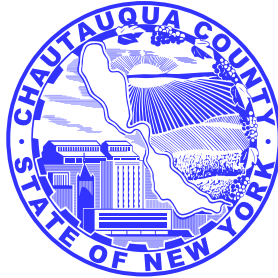


JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY
LEGISLATURE



2017



*1st Row (seated): Mark Tarbrake, Paul Wendel, David Himelein, Chairman, Chuck Nazzaro, Bob Bankoski
2nd Row: John Hemmer, Ron Lemon, George Borrello, Elisabeth Rankin, Lisa Vanstrom, Christine Starks, Kevin Muldowney, Terry Niebel, Pierre Chagnon, Frank Gould
3rd Row: Mark Odell, Bob Scudder, David Wilfong, Paul Whitford*

2017
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

David L. Himelein, Chairman.....Findley Lake, NY
Katherine K. Tampio, Clerk.....Silver Creek, NY

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CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Kevin Muldowney</u>	10 Beach Rd. Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Robert K. Bankoski</u>	407 Lake Shore Dr. E. Dunkirk, N.Y. 14048
#3	(Parts of Pomfret & Village of Fredonia)	<u>Robert Scudder</u>	348 W. Main St. Fredonia, N.Y. 14063
#4	(East Village of Fredonia)	<u>Christine Starks</u>	100 Central Ave. Fredonia, N.Y. 14063
#5	(Sheridan, Arkwright Villenova, East Pomfret & Tn. & Village Cherry Creek)	<u>Terry Niebel</u>	3199 E. Main St. Dunkirk, N.Y. 14048
#6	(Tn. of Hanover & Villages of Forestville & Silver Creek)	<u>George Borrello</u>	1014 South Shore Dr. Irving, N.Y. 14081
#7	(NE Tn of Chautauqua & Tns. of Stockton & Portland & Villages of Brocton & Cassadaga)	<u>Mark Odell</u>	90 Old Mill Rd. Brocton, N.Y. 14716
#8	(Tns. of Ellery & N. Harmony & Village of Bemus Point)	<u>Pierre Chagnon</u>	3714 Westman Rd. Bemus Point, N.Y. 14712
#9	(NE City of Jmstn.)	<u>Chuck Nazzaro</u>	236 Springdale Ave. Jamestown, N.Y. 14701
#10	(SW City of Jmstn. Village of Lakewood & Part Tn. Of Busti)	<u>Paul J. Wendel</u>	20 Hern Avenue Lakewood, N.Y. 14750
#11	(NW City of Jmstn.)	<u>David Wilfong</u>	39 Norton St. Jamestown, N.Y. 14701
#12	(North City of Jmstn.)	<u>Elisabeth Rankin</u>	4 Arlington Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paul D. Whitford</u>	58 Harris Ave. Jamestown, N.Y. 14701

2017
Committee Assignments

Public Facilities

3rd Monday at 4:00 p.m.

John Hemmer
David Wilfong
Chuck Nazzaro **
Bob Scudder
Frank "J" Gould

Administrative Services

3rd Monday at 5:00 p. m.

Bob Scudder
Lisa Vanstrom
Paul Whitford **
Christine Starks
Kevin Muldowney

Public Safety

3rd Wednesday at 4:00 p.m.

PJ Wendel
Terry Niebel
Bob Bankoski **
Mark Tarbrake Dan Pavlock
Paul Whitford

Human Services

3rd Wednesday at 5:15 p.m.

Mark Tarbrake Dan Pavlock
Ron Lemon
Paul Whitford **
Elisabeth Rankin
David Wilfong

Planning & Econ. Development

3rd Wednesday at 6:00 p.m.

George Borrello
Pierre Chagnon
Christine Starks **
Mark Odell
Terry Niebel

Audit & Control

3rd Thursday at 8:35 a.m.

Pierre Chagnon
Chuck Nazzaro **
Kevin Muldowney
George Borrello
Frank "J" Gould

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

DIRECTORY

ELECTION BOARD

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

EMERGENCY SERVICES

Julius Leone, Director (Retired 10/27/17)	Mayville
John Griffith, Director (Effective 10/2/17)	

FINANCE

Susan Marsh, Director (Retired:1/31/17)	Mayville
Kitty Crow, Director (Effective 2/1/17)	Mayville
James E. Caflich, Director of Real Property Tax Services	Mayville

HEALTH & HUMAN SERVICES

Christine Schuyler, Director	Mayville
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HISTORIAN

Michelle Henry	Mayville
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HUMAN RESOURCES

Joseph Porpiglia, Director (Retired 6/30/17)	Mayville
Jessica Wisniewski, Director (Effective 6/30/17)	Mayville

INDUSTRIAL DEVELOPMENT

Kevin Sanvidge	Jamestown
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INSURANCE

Susan Marsh (Retired 1/31/17)	Mayville
Kitty Crow, Director (Effective 2/1/17)	Mayville

MENTAL HYGIENE SERVICES

Patricia Brinkman, Director	Mayville
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PLANNING & DEVELOPMENT

Kevin Sanvidge	Jamestown
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PUBLIC FACILITIES

George Spanos	Falconer
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LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 9-16
CHAUTAUQUA COUNTY

A LOCAL LAW CONTINUING AN ADDITIONAL MORTGAGE TAX

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

See text on page 340 in 2016 Journal

LOCAL LAW
INTRODUCTORY NO. 1-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

Adopted by Legislature: 1/25/17 R/C Vote: 16 Yes; 3 Absent
Public Hearing by County Executive: 1/25/17
Adopted as Local Law 2-17 Date State Filed: 2/15/17

See text on page 24

(Print 2)
LOCAL LAW
INTRODUCTORY NO. 2-17
CHAUTAUQUA COUNTYA LOCAL LAW AUTHORIZING COUNTY ASSISTANCE AND INCENTIVES TO
MUNICIPALITIES FOR CONSOLIDATION AND DISSOLUTION

Amended in Legislature: 3/22/17
Adopted by Legislature: 4/26/17 R/C Vote: 19 Yes
Public Hearing by County Executive: 5/11/17
Adopted as LL 4-17 Date State Filed: 5/23/17

See text on page 106 & 116

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 6-17
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM
IN THE COUNTY OF CHAUTAUQUA

Adopted by Legislature: 6/28/17 R/C Vote: 18 Yes; 1 Absent
Public Hearing by County Executive: 7/17/17
Adopted as LL 7-17 Date State Filed: 7/21/17

See text in page 203

LOCAL LAW
INTRODUCTORY NO. 7-17
CHAUTAUQUA COUNTY

A LOCAL LAW OF THE COUNTY LEGISLATURE OF THE COUNTY OF
CHAUTAUQUA REPEALING THE WIRELESS COMMUNICATIONS
SURCHARGE AUTHORIZED BY ARTICLE SIX OF THE COUNTY LAW OF THE
STATE OF NEW YORK, AND IMPOSING THE WIRELESS COMMUNICATIONS
SURCHARGE PURSUANT TO THE AUTHORITY OF TAX LAW §186-g

Adopted by Legislature: 7/26/17 R/C Vote: 17 Yes; 2 Absent
Public Hearing by County Executive: 8/14/17
Adopted as LL 8-17 Date State Filed: 8/18/17

See text in page 244

LOCAL LAW
INTRODUCTORY NO. 8-17
CHAUTAUQUA COUNTY

A LOCAL LAW TO PROVIDE A COUNTY REAL PROPERTY TAX EXEMPTION
FOR RESIDENTIAL CONSTRUCTION WORK ON CERTAIN OWNER OCCUPIED
RESIDENTIAL PROPERTY IN THE CITY OF JAMESTOWN

Adopted by Legislature: 10/25/17 R/C Vote: 18 Yes; 1 Absent
Public Hearing by County Executive: 11/8/17
Adopted as LL 9-17 Date State Filed: 11/14/17

See text in page 322

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 12-17
CHAUTAUQUA COUNTY

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

Adopted by Legislature: 12/20/17

R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 1/4/18

Date State Filed: 1/12/18

Adopted as LL 2-18

See text in page 376

LOCAL LAW
INTRODUCTORY NO. 13-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

Adopted by Legislature: 12/20/17

R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 1/4/18

Date State Filed: 1/12/18

Adopted as LL 3-18

See text in page 376

JOURNAL OF PROCEEDINGS

Chautauqua County Legislature
Organizational Meeting
Monday, January 3, 2017, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Tampio called the Organizational Meeting to order at 4:03 p.m. and announced a quorum present. (Absent: Gould)

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

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

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

Legislator Wendel: It is my pleasure to nominate David Himelein as Chairman of the Legislature.

Legislator Tarbrake: It would be my distinct pleasure to second the nomination of Legislator David Himelein.

Clerk Tampio: We have a nomination by Mr. Wendel for Mr. Himelein and second by Mr. Tarbrake. Are there any other nominations? Are there any other nominations? Hearing none, I will entertain a motion to close the nominations.

Legislator Lemon: So moved.

Legislator Wilfong: Second.

Clerk Tampio: All those in favor, say aye.

Unanimously Carried

Clerk Tampio: The nominee is Mr. Himelein. We will now have the roll call vote. You indicate your vote by your choice by stating the name of the nominee.

Vote: Mr. Himelein - 18
1 Absent

Clerk Tampio: With 18 votes for Mr. Himelein and one absent, it is my pleasure by having received the required majority of votes to declare Mr. Himelein to be the newly elected Chairman of the Chautauqua County Legislature for 2017. Congratulations and please come forward. (Applause)

ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Himelein: Good afternoon everybody. It's a pleasure to be here. I am glad to see so many smiling faces. I'm going to try and keep my comments as short as possible.

First of all, I would like to thank my wife, Joan. She stood by me through thick and thin, thank you.

Where would we be without the full Legislature? We have worked together, sometimes, disagreeing but always working for the people of this County. Thank you for your support as your new Chairman.

REGULAR SESSIONS

I would like to acknowledge the hard work done by our office staff, Kathy and Lori. Thank you.

Next, I would like to thank the Executive staff – Mr. Abdella and Ms. Crow for keeping me on track when I went astray. Boy, there was more than once that I did that.

During my tenure as Majority leader, the Minority Leader has been very cooperative in working out our differences. Thank you.

Some of the things that I have strived to do, with success, is reducing property taxes and also the age to purchase cigarettes and e-cigarettes has moved from 18 to 21 and I have also backed allowing the use of sparklers on July 4th and December 31st.

After much deliberation at the last Legislature meeting the Deputy Sheriffs' and Lieutenants wage contract for five years was approved.

Now 2017 hopefully will bring a continued growth in our infrastructure that will create more jobs. Part of that growth is to finish the building of the Sherman garage. Other things moving forward are the North County Water District, the Chautauqua Lake Sewer District, and more discussion on the police consolidation with Jamestown.

For the citizens of the County, I will continue to strive to keep property taxes as low as possible.

Your vote of confidence in me as your Chairman is greatly appreciated. Thank you all. (Applause).

1st Privilege of the Floor

No one chose to speak at this time.

(REPUBLICAN) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2017 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, Lemon, Niebel, Scudder, Odell, Vanstrom, Muldowney, Hemmer, Borrello, Chagnon, Tarbrake, Wendel, Wilfong, Gould, Rankin

(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 2017 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Nazzaro, Bankoski, Whitford, Starks

APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator Paul Wendel as the Leader of the Chautauqua County Legislature for the year 2017 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Mark Tarbrake

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

JOURNAL OF PROCEEDINGS

APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Chuck Nazzaro as the Leader of the Chautauqua County Legislature for the year 2017 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Robert K. Bankoski
Signed: Nazzaro, Bankoski, Starks, Whitford

RES. NO. 1-17
Appointing Clerk of the Legislature

At the Request of: Legislators:

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

WHEREAS, pursuant to Resolution 259-16, the hours of the Clerk of the County Legislature were expanded to perform additional duties as required by the Legislature due to the vacancy in the Legislature's committee secretary position; and

WHEREAS, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst and committee secretary in 2017; 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, 2017, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$38,684. for 100% time.

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

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 3, 2017

RES. NO. 2-17
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of: Legislators:

RESOLVED, That Lori J. Foster, 6228 Ellicott Rd. Brocton, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2017 at a salary of \$21.13 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 2017, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2017.

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

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – January 3, 2017

REGULAR SESSIONS

RES. NO. 3-17
Designation of Official Newspapers – 2017

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 2017 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Gould

Unanimously Adopted – January 3, 2017

RES. NO. 4-17
Delegate Authority to Chairman of Legislature to Correct Errors on Tax Rolls and to Provide Refunds and Credits of Taxes Pursuant to Section 554 and 556 of the Real Property Tax Law

At the Request of Chairman Frank J. Gould:

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize a tax levying body to delegate its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and

WHEREAS, such delegation would only apply when the County's Director of Real Property Tax Services has investigated and application for correction, refund, or credit and recommend approval based upon that investigation; and

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

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

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

RESOLVED, That this resolution will be in effect from this date until December 31, 2017.

Signed: Gould

Unanimously Adopted – January 3, 2017

JOURNAL OF PROCEEDINGS

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski and duly carried the meeting adjourned. (4:18 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, January 25, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel, the minutes were approved. (12/21/16 & 1/3/17)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 1/3/17

COMMENDATION:

Panama Girls Volleyball Team
State Champions
By
Chairman David Himelein
Assemblyman Andrew Goodell

RECOGNITION:

Susan Marsh
Outgoing
Director of Finance
By
County Executive Vincent W. Herrigan & Chairman David Himelein

6:35 P.M.

PUBLIC HEARING
Amendments to FBO & Hangar Lease Agreement
At the Chautauqua County/Jamestown Airport

Chairman Himelein: We'll now open up the public hearing. (6:47 p.m.) Is there anyone here to speak to the public hearing? Seeing no one, we'll close the public hearing. (4:48 p.m.)

COMMUNICATIONS:

1. Letters (3) – County Executive – Appts. to Various Board
2. Reports (2) – Fn. Director Marsh – Investment Reports (Nov./Dec-2016)
3. Letter – DA Swanson – Re: Order of Attys. Power and Duties
4. Minutes – Chaut. Lake and Watershed Management Alliance (Nov. 2016)
5. Email – To Clerk Tampio from Fred Keller – Opposition to Wind Farm

JOURNAL OF PROCEEDINGS

6. Letter – Dept. of Public Service – Public Statement Hearing–Re: Wind Farm
 7. Letter – ProAct Prescription Discount Card Program – Board Update
 8. Report – Comptroller's Audit (January 1, 2013-January 15, 2016)
 9. 2017 Chautauqua County Adopted Budget
-

MOTION:

1-17 Proclaiming February Black History Month – Unanimously Adopted

RES. NO. 5-17

Confirm Re-Appointment - Chautauqua County Ethics Board

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

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

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

Rose Sebouhian
6 Ventura Circle
Fredonia, N.Y. 14063
Term Expires: 1/31/20

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 6-17

Confirm Re-Appointment - Chautauqua County Traffic Safety Board

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

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

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

Lisa Schmidfrerick-Miller
2373 Erickson Rd.
Asheville, N.Y. 14710
Term Expires: 1/31/19

Signed: Wendel, Bankoski, Whitford, Tarbrake

Unanimously Adopted – January 25, 2017

REGULAR SESSIONS

RES. NO. 7-17
Confirm Re-Appointments - Chautauqua County Fire Advisory Board

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

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

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

1st Battalion

Lawrence Barter
9 Pine Drive
Fredonia, NY 14063
Term Expires: 1/31/18

Jeffrey Griewisch
26 Burgess Street
Silver Creek, NY 14136
Term Expires: 01/31/18

Steve Lehnen
9791 Route 60
Fredonia, NY 14063
Term Expires: 1/31/18

Allen Parker
8562 Shumla Road
Cassadaga, NY 14718
Term Expires: 01/31/18

Brian Puro
3681 New Road
Dunkirk, NY 14048
Term Expires: 01/31/18

Christopher Wichlacz
3381 Tarbox Road
Cassadaga, NY 14718
Term Expires: 1/31/18

2nd Battalion

Al Akin
5984 Manor Drive
Chautauqua, NY 14722
Term Expires: 1/31/18

Lyle Holland
47 Clinton Street
Westfield, NY 14787
Term Expires: 1/31/18

Matthew Oehlbeck
159 Park Street
Sherman, NY 14781
Term Expires: 1/31/18

Mark Smith
9437 E. Main Road
Ripley, NY 14775
Term Expires: 1/31/18

Ronald Trippy
6755 S. Portage Road
Westfield, NY 14787
Term Expires: 1/31/18

Burl Swanson
6168 Wright Road
Dewittville, NY 14728
Term Expires: 1/31/18

3rd Battalion

Ronald V. Johnson
1265 Norby Road
Jamestown, NY 14701
Term Expires: 1/31/18

Jackson Knowlton
2141 Shadyside Road
Lakewood, NY 14750
Term Expires: 1/31/18

JOURNAL OF PROCEEDINGS

Sam Saleme
217 Dearing Avenue
Jamestown, NY 14701
Term Expires: 1/31/18

Randall Shampoe Jr.
690 Clymer-Sherman Road
Clymer, NY 14724
Term Expires: 1/31/18

Chet Harvey
200 Spring Street
Jamestown, NY 14701
Term Expires: 1/31/18

4th Battalion

Lance Hedlund
14 Dunn Avenue
Jamestown, NY 14701
Term Expires: 1/31/18

Lloyd K. Johnson Jr.
752 N. Park Street
Ellington, NY 14732
Term Expires: 1/31/18

Jeff Molnar
30 Main Street
Bemus Point, NY 14712
Term Expires: 1/31/18

Peter Samuelson
4696 Maple Grove Road
Bemus Point, NY 14712
Term Expires: 1/31/18

Greg Scott
3517 Cemetery Street
Kennedy, NY 14747
Term Expires: 1/31/18

Barry Swanson
4870 Bayview Road
Bemus Point, NY 14712
Term Expires: 1/31/18

Signed: Wendel, Bankoski, Whitford, Tarbrake

Unanimously Adopted – January 25, 2017

RES. NO. 8-17

Amend County Road System Map to Add CR 649 Precision Way

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

WHEREAS, Precision Way, a 0.24 mile road in the Mason Industrial Park, is owned by the Chautauqua County Industrial Development Agency (IDA); and

WHEREAS, the County Department of Public Facilities has maintained this road since its construction in 1989; and

WHEREAS, New York State funding for maintenance of this road is not available unless the road is included on the County's Road System Map; and

WHEREAS, the Chautauqua County IDA has agreed to release ownership of Precision Way to Chautauqua County; therefore be it

RESOLVED, That the 0.24 mile road known as Precision Way, from CR 144 to the end, be added to the County Road System Map; and be it further

REGULAR SESSIONS

RESOLVED, That such road be identified as CR 649; and be it further

RESOLVED, That, pursuant to New York State Highway Law §115, a copy of the amended Map be filed in the offices of the County Clerk and the County Superintendent of Highways.

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 25, 2017

RES. NO. 9-17

Transfer DPF Administration Petty Cash from Checking to Cash

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

WHEREAS, pursuant to Resolutions 102-54 and 164-87, the Department of Public Facilities has a petty cash fund in the amount of two hundred dollars (\$200.00), established pursuant to Section 371 of New York State County Law; and

WHEREAS, the petty cash is currently divided between a checking account, one hundred fifty dollars (\$150.00), and cash, fifty dollars (\$50.00), but the checking account is only minimally used; therefore be it

RESOLVED, That the Director of Finance be authorized to transfer fifty dollars (\$50.00) from Key Bank account number 625-70899-7 to the petty cash drawer, with the remaining one hundred dollars (\$100.00) surrendered to the Department of Finance; and be it further

RESOLVED, That going forward the Department of Public Facilities petty cash fund shall be in the amount of one hundred dollars (\$100.00).

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

RES. NO. 10-17

Close Accounts for Completed Department of Public Facilities Projects as of 12/31/16

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

WHEREAS, The Public Facilities Department has notified the Department of Finance that the capital projects listed below have been completed or will be completed by December 31, 2016:

H.1620-25787 – HVAC upgrades – MVL complex (2011),
H.1620-25924 – Judge's Parking Lot (2014),
H.1620.680 – Ext Drainage – GOB/CH Cor (2009),
H.5130.25874 – Admin Building Carpet replace,
H.5130.657 – DPF shop maint facility (2007),
H.5130.694 – Oil separator/sewer upgrd (2009),
H.5130.695- Fuel storage del: Sheridan (2009),
H.5610.154 – Install Generator – Jmst (2014),
H.5610.238 – Mast Plan Up RW 24 (2008),
H.5610.25752 – Remove Arprt Obstruct- DNK (2010),

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H.5610.25901 – Blower & Broom – JSTN (2014),
 H.5610.25935 – Rehab Gen Aviat Apron – DNK (2014),
 H.5610.25958 – Airport Study – Jmst (2015),
 H.5610.25978 – Drainage Improvements – Dunkirk (2015),
 H.5630.25824 – Surveillance Equip – Carts (2010),
 H.5630.25825 – ADP Hardware – AVL & MDC
 H.5630.25883 - BASE STA & REPTR UPGRADE (2012)
 H.5630.25900 – Hopkins Lot Parking,
 H.5630.25909 – Replace pressure washers (2014),
 H.5630.25943 – Carts Flooring Replmnt (2016),
 H.7110.25829 – Luensman Pavilion Roof (2013);

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

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

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

Unanimously Adopted – January 25, 2017

RES. NO. 11-17

Authorizing Public Hearing Regarding Modification of 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 Chairman David Himelein and County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 102-15, adopted after a public hearing held pursuant to County Law § 268 on May 27, 2015, the Chautauqua County Legislature found and determined that it was in the public interest to construct improvements for phosphorous removal at the treatment plant of the North Chautauqua Lake Sewer District (hereinafter referred to as the “District”) at a maximum cost of Two Million Eight Hundred Thousand Dollars (\$2,800,000), and by Order dated September 18, 2015, the Comptroller of the State of New York granted permission to the County and District to construct said improvements for said maximum amount; and

WHEREAS, subsequent to the adoption of Resolution 102-15, the New York State Department of Environmental Conservation (NYSDEC) issued a new State Pollutant Discharge Elimination System (SPDES) permit to the District identifying major revision to the limits for Total Residual Chlorine (TRC), which necessitates changes to the project scope design of the improvements to address the revised TRC limit; and

WHEREAS, also subsequent to the adoption of Resolution 102-15, the District has further identified a need for: (1) replacement of the existing emergency generator with a unit that can serve the entire treatment plant facility including the proposed improvements for phosphorous removal; (2) replacement of the existing original mechanical bar screen at the treatment plant; and (3) milling and repaving of the roadway at the treatment plant; and

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WHEREAS, also subsequent to the adoption of Resolution 102-15, the District applied for and received a hardship funding award through the New York State Environmental Facilities Corporation (EFC) which will allow the District to receive interest-free financing for a term of up to thirty (30) years for the improvements to be constructed; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled "Basis of Design Report – North Chautauqua Lake Sewer District WWTP Phosphorous Compliance Upgrades," dated January 10, 2017, (hereinafter referred to as the "Map and Plan") prepared by O'Brien & Gere Engineers, Inc., 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 § 253-b and §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 February 22, 2017 at 6:45 o'clock PM, prevailing time, on the question of the adoption of the modified Map and Plan that includes the aforementioned changes to the improvements and financing of the District's treatment plant project for phosphorous removal, and to take such action thereon as is required or authorized by law; and it is further

RESOLVED, That the proposed modified upgrades of facilities described in the modified Map and Plan 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), 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; as follows:

- 6 NYCRR 617.5(c)(1) – maintenance or repair involving no substantial changes in an existing structure or facility;
- 6 NYCRR 617.5(c)(6) – maintenance of existing landscaping or natural growth;
- 6 NYCRR 617.5(c)(7) – construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; and
- 6 NYCRR 617.5(c)(11) – extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.

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:

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 February 22, 2017 at

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6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the adoption of the modified Map and Plan for the construction of improvements for phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District in said county that modifies the original Map and Plan previously approved by the Chautauqua County Legislature on May 27, 2015, with such modifications to the Map and Plan consisting of installation of ultraviolet disinfection technology to address major revisions to the limits for Total Residual Chlorine (TRC) under the District's State Pollutant Discharge Elimination System (SPDES) permit, along with the following additional items: (1) the replacement of the existing emergency generator with a unit that can serve the entire treatment plant facility including the proposed improvements for phosphorous removal; (2) the replacement of the existing original mechanical bar screen at the treatment plant; and (3) the milling and repaving of the roadway at the treatment plant. The estimated maximum cost of the improvements as modified would increase from \$2,800,000 to \$3,972,700, but due to the award of interest-free financing from the New York State Environmental Facilities Corporation, the maximum estimated annual cost to the typical single family home within the District will be increased by \$88 per year to \$466 per year, instead of the prior proposed increase of \$94 per year to \$472 per year previously approved on May 27, 2015. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

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

Unanimously Adopted – January 25, 2017

RES. NO. 12-17

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

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

WHEREAS, pursuant to Resolution 17-15, the County entered into a lease with Jamestown Aviation Company, LLC to continue its operation of a full-service fixed base operation (FBO) and hangar facilities; and

WHEREAS, amendments to the terms of the agreement have been negotiated with Jamestown Aviation Company, LLC and a public hearing 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 amendments to the agreement with Jamestown Aviation Company, LLC ("JAC") to include substantially the following amended terms and conditions:

1. Term. Fifteen (15) year term ending December 31, 2029 (*current agreement has a five-year term with JAC having an option to renew for two (2) additional five-year terms which also end December 31, 2029*).
2. Termination. JAC may terminate with or without cause on two (2) years' notice if the Jamestown Airport has commercial air passenger service, or one (1) years' notice if the Jamestown Airport does not have commercial air passenger service (*current agreement allows JAC to terminate on six months' notice at each five-year anniversary date*).

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3. Rent and Commissions. Rent of six thousand dollars (\$6,000) per month to be increased annually by two percent (2%), with no additional commissions (*current agreement provides for rent of \$3,700 per month of which \$2400 is subject to a 2% annual increase and \$1300 remains fixed; additional County commissions of 2% on Jet A fuel, 1% on all other fuel, 10% on hangar rents, 25% on parking and tie-down fees, and 90% on landing fees collected by FBO*)
4. Other. As negotiated by the County Executive.

Signed: Hemmer, Scudder, Wilfong (PF: Nazzaro voting "no")
Chagnon, Muldowney (AC: Failed – Nazzaro voting "no") (3 member Committee)

Adopted w/ Legislator Nazzaro voting "no" – January 25, 2017

RES. NO. 13-17

Close Accounts for Completed IT Capital Project as of 12/31/16

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

WHEREAS, The IT Department has notified the Department of Finance that the capital project listed below has been completed or will be completed by December 31, 2016:

H.1680.20942 – Time & Attendance Upgrade (2014);

now therefore be it

RESOLVED, That the Director of Finance close out the account listed above for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

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

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

Unanimously Adopted – January 25, 2017

RES. NO. 14-17

2016 Hazardous Materials Grant Program

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

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2016 Hazmat Grant Program which runs from September 1, 2016 through August 31, 2019; and

WHEREAS, the 2016 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

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WHEREAS, Resolution 248-16 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.2	Equipment – HazMat	\$60,447
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INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$60,447
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 15-17
Close Capital Project H.3110.511

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

WHEREAS, Resolution 152-91 designated the balance of proceeds from the sale of one Hiller 12E helicopter for the repair and upkeep of County helicopters and established a separate account for such purpose; and

WHEREAS, these and subsequent proceeds also designated for the repair and upkeep of County helicopters are included in capital project H.3110.511; and

WHEREAS, the unspent balance in account H.3110.511 at the end of 2016 is \$38,095; and

WHEREAS, this account can now be closed and a new account established at such time additional repairs are necessary; now therefore be it

RESOLVED, That the Director of Finance close out account H.3110.511 for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of accounts that the Director of Finance is authorized to defer and designate the balance of proceeds from the sale of equipment in account H.3110.511 for future repairs and upkeep of County helicopters and any other surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

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

Unanimously Adopted – January 25, 2017

REGULAR SESSIONS

RES. NO. 16-17

Reallocate Budget and Adjust Revenue and Appropriation Accounts to Consolidate Grant Awards
Into One Sub-Department

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

WHEREAS, the Chautauqua County Office of the Sheriff receives numerous grants each year and it would be advantageous to consolidate all grant awards into one sub-department; and

WHEREAS, some grants were awarded after the 2017 budget was adopted; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget.

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.1	Personal Services - Sheriff Grants	\$ 118,440
A.3110.GRNT.8	Employee Benefits - Sheriff Grants	\$ 34,484
A.3110.GRNT.3	Equipment - Sheriff Grants	\$ 113,181
A.3110.GRNT.4	Contractual - Sheriff Grants	<u>\$ 200,624</u>
		\$ 466,729

DECREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services - Sheriff	\$ 41,135
A.3110.----.8	Employee Benefits - Sheriff	\$ 1,483
A.3315.----.1	Personal Services - STOP-DWI	\$ 14,852
A.3110.----.4	Contractual - Sheriff	\$ 13,082
A.3315.----.4	Contractual - STOP-DWI	<u>\$ 17,733</u>
		\$ 88,285

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9BM	Federal Aid - Bomb Detection	\$ 201,086
A.3110.GRNT.R338.900	NYS Aid - Other Public Safety	\$ 10,692
A.3110.GRNT.R438.9K9T	Federal Aid - Explosive Detection Canine Team	\$ 20,000
A.3110.GRNT.R438.9LVS	NYS Aid - Other Public Safety: Live Scan	\$ 46,800
A.3110.GRNT.R438.9OSG	Federal Aid - Operation Stone Garden	\$ 95,362
A.3110.GRNT.R438.9PSC	Federal Aid - Port Security	\$ 37,089
A.3110.GRNT.R432.0000	Federal Aid - Crime Control	\$ 26,700
A.3110.GRNT.R438.9000	Federal Aid - Other Public Safety Aid	<u>\$ 29,000</u>
		\$ 466,729

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DECREASE REVENUE ACCOUNTS:

A.3315.R338.9000	NYS Aid - Other Public Safety	\$ 32,585
A.3110.R432.0000	Federal Aid - Crime Control	\$ 26,700
A.3110.R438.9000	Federal Aid - Other Public Safety Aid	\$ <u>29,000</u>
		\$ 88,285

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

Unanimously Adopted – January 25, 2017

RES. NO. 17-17

Adjust Appropriation and Revenue Accounts Due to Unbudgeted Revenues and Expenditures

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

WHEREAS, within the Sheriff's organization, some expenses exceed and some expenses are less than initial budgetary estimates; 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 2016 budgetary changes:

INCREASE REVENUE ACCOUNTS:

A.1162.1110.R226.0000	Shared Services - Chrgs: Oth Gov-Pub Safety	\$ 65,010
A.3110.R266.5000	Sale of Property – Sale of Equipment	\$ 20,000
A.3110.R268.0000	Sale of Property – Insurance Recoveries	\$104,000
A.3110.R277.0000	Miscellaneous – Other Unclassified Revenue	\$ 18,000
A.3189.MEDI.R158.9001	Departmental Income – Oth PS Inc: Medi-Vac	\$ <u>31,500</u>
		\$238,510

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1110.1	Personal Services – Court Officers	\$ 41,748
A.1162.1110.4	Contractual – Court Officers	\$ 9,808
A.1162.1110.8	Employee Benefits – Court Officers	\$ 13,454
A.3020.DISP.1	Personal Services – Consolidated Dispatch	\$ 44,370
A.3020.DISP.5	Fixed Contractual - Consolidated Dispatch	\$ 135
A.3020.TECH.4	Contractual – Technical Services	\$ 2,000
A.3110.----.1	Personal Services – Sheriff	\$117,096
A.3110.----.8	Employee Benefits – Sheriff	\$142,000
A.3189.3112.8	Employee Benefits – Snowmobile	\$ 3,000
A.3189.MEDI.8	Employee Benefits – Medi-Vac	\$ 31,500
A.3315.----.8	Employee Benefits – STOP DWI	\$ <u>10,000</u>
		\$415,111

DECREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4	Contractual - Consolidated Dispatch	\$ 135
A.3020.DISP.8	Employee Benefits - Consolidated Dispatch	\$ 44,370
A.3020.TECH.1	Personal Services – Technical Services	\$ 2,000
A.3110.----.4	Contractual – Sheriff	\$117,096

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A.3189.3111.8	Employee Benefits – Navigation	\$ 3,000
A.3315.----.4	Contractual – STOP DWI	\$ <u>10,000</u>
		\$176,601

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

Unanimously Adopted – January 25, 2017

RES. NO. 18-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Child Care (Foster/Institutional) Costs

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

WHEREAS, 2016 expenditures for foster and institutional child care are now projected to be in excess of the budgeted amount; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, foster and institutional child care costs are funded at an average of 38% by Federal funding and 23% by the State of New York; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6119.4	Contractual – Child Care (Foster/Institutional)	\$220,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual- Social Services Admin	\$ 85,800
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INCREASE REVENUE ACCOUNTS:

A-6119 R361.9000	NYS Aid - Child Care	\$ 50,600
A-6119 R461.9000	Federal Aid - Child Care	\$ 83,600

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

Unanimously Adopted – January 25, 2017

RES. NO. 19-17

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Tuition Costs

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

WHEREAS, 2016 expenditures for handicapped preschool tuition are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special

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Education Program, new contracts, and increased reliance upon services provided outside of Chautauqua County; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, expenditures for handicapped preschool tuition are funded at 59.5% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.2960.TUIT.4 Contractual –Ed. Handicapped Children- Tuition	\$250,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin	\$101,250
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INCREASE REVENUE ACCOUNT:

A-2960.4410 R327.7000 State Revenue - Ed Handicapped Children	\$148,750
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Muldowney, Rankin, Chagnon, Nazzaro

Unanimously Adopted – January 25, 2017

RES. NO. 20-17

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped
Preschool Education Transportation Costs

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

WHEREAS, 2016 expenditures for handicapped preschool transportation are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special Education Program, new contracts, and increased reliance upon services provided outside Chautauqua County; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, transportation expenditures for handicapped preschool transportation are funded at 59.5% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.2960.TRAN.4 Contractual –Ed. Handicapped Children-Transportation	\$30,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin	\$12,150
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INCREASE REVENUE ACCOUNT:

A-2960.4410 R327.7000 State Revenue - Ed Handicapped Children \$17,850

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

Unanimously Adopted – January 25, 2017

RES. NO. 21-17

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

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

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) and Chautauqua County Industrial Development Agency (CCIDA) have shared office space for many years; and

WHEREAS, CCPED and CCIDA relocated to the BWB Center in downtown Jamestown, a higher profile area that portrays an improved business image and better serves clients; and

WHEREAS, the County entered into a lease agreement with CCIDA for such office space at the BWB Center; and

WHEREAS, 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 County Industrial Development Agency for office space in the BWB Center on substantially the following terms and conditions:

1. Premises: 1,500 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$9,867.96 to be paid monthly at a rate of \$822.33 per month beginning in January of 2017.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2017 and terminating December 31, 2017 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 22-17

Authorize Agreement with Small Business Development Center at Jamestown Community College

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

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

WHEREAS, Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which is able to provide a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2017 through December 31, 2017.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 23-17

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

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

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

WHEREAS, pursuant to Article 6 and Section 6.01 of the Chautauqua County Administrative Code, the County of Chautauqua Department of Planning and Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth and capital improvements, as well as seeking funds to be used for development, and working with private interests and public agencies of all types; and

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

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of One Hundred Twenty-five Thousand Nine Hundred Fifty-two and No/100 Dollars (\$125,952.00).

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

REGULAR SESSIONS

RES. NO. 24-17

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

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

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

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

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

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

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 25-17

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

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

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

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

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and the Chautauqua County Department of Planning and Economic Development (CCPED) are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

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RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency in the amount of \$50,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 26-17

Close Accounts for Completed Planning & Development Capital Projects as of 12/31/16

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

WHEREAS, The Planning and Development Department has notified the Department of Finance that the capital projects listed below have been completed or will be completed by December 31, 2016:

H.6420.530 – South Co Industrial Park (1986),
H.6420.540 – Scattered Site Development (1995);

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

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

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – January 25, 2017

RES. NO. 27-17
Quit Claim Deeds

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

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

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

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

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

Offer Number	Munic.	S/B/L	Purchaser	Offer Amt.	Taxes Owning
QC-106-2016	C/Jmstn.	060800-387.15-8-22	Father Judge Apostolic Land Co.	\$300.00	\$4,668.62
QC-107-2016	C/Jmstn.	060800-387.15-8-23	Father Judge Apostolic Land Co.	\$300.00	\$ 178.08
				\$600.00	\$4,846.70

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

Unanimously Adopted – January 25, 2017

LOCAL LAW
INTRODUCTORY NO. 1-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

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

SECTION I. Local Law 5-13 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1 . Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2 . Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems

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before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.
2. "Appear" and "Appear before" mean communicating in whatever form, whether personally or through another person.
3. "County officer or employee" means any officer or employee of the County, whether paid or unpaid, including Public officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.
4. "Dependent" means an individual who will be claimed by the County officer or employee as a dependent on the current year's State or Federal tax return.
5. "Family member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County officer or employee.
6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.
7. "Related person" means a spouse, parent, child, or sibling, including step and half relations, a Dependent, a member of the County officer or employee's household, or a first cousin, aunt, uncle, niece, or nephew.
8. "Public official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County officer or employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:
 - a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County officer or employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
 - b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or

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in any other form, who the County officer or employee knows is considering or has had any transactions with the county that involves any discretionary act by the County officer or employee.

- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:
- (i) himself or herself;
 - (ii) a Family member;
 - (iii) any partnership or unincorporated association of which the County officer or employee is a member or employee or in which he or she has a proprietary interest;
 - (iv) any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
 - (v) any Person with whom the County officer or employee or his or her Family member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County officer or employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
 - (vi) any Person from whom the County officer or employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County officer or employee from performing a purely ministerial act.

Notwithstanding the above, a County officer or employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- d. solicit directly or indirectly any non-elected officer or employee of the County or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.

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- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.
- f. after termination of his or her term of office or employment with the County, Appear before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County officer or employee shall for two years after the termination of employment Appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself or herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County officer or employee shall Appear before any County department or Agency which employs such County officer or employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County officer or employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County officer or employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County officer or employee who is an elected Public official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;

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- b. audit bills or claims under the contract; or
- c. appoint an officer or employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County officer or employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County officer or employee.

Section 5 . Interests in Contracts Pursuant to General Municipal Law

1. No County officer or employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County officer and employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6 Use of County Resources

The use of County resources by County officers and employees shall be in compliance with County policies and procedures.

Section 7 Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County officer or employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8 . Annual Disclosure

1. All Public officials who are elected or paid shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement utilizing the disclosure statement form filed with the Clerk of the County Legislature on January 11, 2017:

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the Public official shall file a signed amendment to the statement indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

2. If a Public official who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of

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the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Public Officials; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

1. The following Public officials are subject to disclosure requirements:

Administrative Assistant
 Assistant Construction & Maintenance Supervisor
 Assistant County Attorney
 Assistant Deputy Director of Public Facilities (Buildings & Grounds)
 Assistant District Attorney
 Assistant Public Defender
 Assistant Social Services Attorney
 Assistant to Commissioner of Social Services
 Associate Public Health Engineer
 Board of Health Members
 Budget Director
 Chairman of North Chautauqua County Water District
 Chairman of North County Industrial Water/Sewer District 1
 Chairman of South and Center Chautauqua Lake Sewer Districts Board
 Chautauqua County Land Bank Corporation Board Members
 Chautauqua Tobacco Asset Securitization Corporation Members
 Chief Information Officer
 Child Psychiatrist
 Clerk of the Legislature
 Commissioner of Elections
 Commissioner of Health Services
 Commissioner of Social Services
 Construction & Maintenance Supervisor
 Coroner
 County Attorney
 County Clerk
 County Executive
 County Fire Coordinator
 County Historian
 Deputy Clerk of the Legislature
 Deputy Commissioner of Social Services
 Deputy County Clerk
 Deputy County Executive
 Deputy Director of Central Services (Office Services)
 Deputy Director of Central Services (Purchasing)
 Deputy Director of Finance
 Deputy Director of Planning
 Deputy Director of Planning and Economic Development
 Deputy Director of Public Facilities (Engineering)
 Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)
 Deputy Director of Public Facilities (Transportation)
 Deputy Probation Director II

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Deputy Public Health Director
Deputy Sheriff Captain
Deputy Sheriff/Jail Supervisor
Director of Administrative Services
Director of Aging Health Services
Director of Certification
Director of Community Mental Hygiene Services
Director of Economic Development
Director of Emergency Services
Director of Environmental Health Services
Director of Finance
Director of Health & Human Services
Director of Human Resources
Director of Information Services
Director of Intermunicipal Services
Director of North Chautauqua Lake Sewer District
Director of Office for the Aging
Director of Office of Management and Budget
Director of Patient Services
Director of Planning
Director of Planning and Economic Development
Director of Portland-Pomfret-Dunkirk Sewer District
Director of Public Facilities
Director of Real Property Tax Services III
Director of Social Services
Director of South & Center Chautauqua Lake Sewer Districts
Director of Veterans Service Agency
District Attorney
Engineer III
Executive Assistant
Financial Analyst to Legislature
First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
First Assistant Social Services Attorney
First Deputy Director of Finance
Health Administrator
Insurance Administrator
Legal Counsel to the Legislature
Legislator
Manager of Airports
Members of the Chautauqua County Soil and Water Conservation District
Mental Hygiene Program Coordinator
Personnel Technician
Physician
Planning Board Members
Probation Director II
Probation Supervisor
Public Defender
Public Health Director
Purchasing Agent
Purchasing Manager
Real Property Systems Coordinator/Assistant Director

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Sanitation Supervisor
 Sealer of Weights and Measures
 Second Assistant County Attorney
 Second Assistant District Attorney
 Second Assistant Public Defender
 Senior Personnel Technician
 Senior Personnel Technician/Deputy Director of Human Resources
 Senior Project Coordinator (Transportation)
 Sheriff
 Social Services Attorney
 Special Assistant for Medicaid
 Special Projects Coordinator
 Supervising Clinical Psychologist
 Undersheriff
 Warden

All other officers or employees who are authorized to approve vouchers, purchase orders, contracts and payroll such as purchasing clerks and purchasing agents.

2. Before May 15th of each year, the County Executive shall verify that every affected Public official has filed his or her annual disclosure statement.

3. Failure of the County Executive or the elected officer to comply with this section shall not relieve any Public official who is elected or paid from his or her duty to file an annual disclosure statement pursuant to this Code of Ethics.

4. All officials and employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual training, to be implemented by the County Department of Human Resources at the time of hire for new employees, and to be held between January 1 and March 30 of each year for existing employees, to inform and educate them as to the requirements of this Code. All those subject to the requirements of this Code are also to receive an updated and current version of this Code, or other appropriate training material, immediately prior to or during their annual training.

Section 10. Reporting Violations.

All County officers and employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false is a violation of this Code and may result in penalties as provided herein.

Section 11 . Inducement of Violations

Any Person, whether or not a County officer or employee, who intentionally induces any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be

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subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County officer or employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County officer or employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County officer or employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms, with three terms expiring in odd years and two terms expiring in even years. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with Public officials the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County officer or employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;

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- g. Prepare an annual report and recommend changes or improvements to the Code of Ethics;
- h. Perform such other related duties as requested by the County Executive;
- i. Meet at least four times a year, and publish notice of meetings and the names of Ethics Board members in the County's official newspapers. In addition, notice of meetings shall be furnished to radio stations located in the County; and
- j. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

SECTION II. This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 1/13/17

Adopted by Legislature: 1/25/17

Public Hearing by County Executive: 2/8/17

Adopted as LL 2-17

R/C Vote: 16 Yes; 3 Absent

Date State Filed: 2/15/17

2nd Privilege of the Floor

My name is Angelo Graziano, Forestville, N.Y. I'm a Councilman for the Town of Villenova in Chautauqua County. When I began in 2014, there was a wind project in process, I don't know if you are familiar with. This project (*inaudible*) my job in government. (*Inaudible*) town residents needed to know what to expect of this project. I asked the wind company, (*inaudible*) America to notify the township of past mailings. They said they would, well they did not. I asked three separate times and that's when all the trouble began. The project is under SEQRA. Since it's exceeded daily kilowatts for SEQRA, I did what I could do to try and get it changed to Article 10. I have a letter here as you can see I sent to the Department of Public Service. Unfortunately, that also failed. There is nothing from outside experts on how Burn Back Hill property values (*very poor quality – inaudible.....*) There has never been any mailers sent to all residents. It has been a shady deal from the start. The Town of Hanover borders our town and they also have (*inaudible*) project. When Hanover voted on the project they were told that there weren't any opposition in Villenova. This is very untrue. There are many who oppose the project. In Hanover, there were two in favor, two against, and the Town of Hanover Supervisor voting in favor thus being the tie breaker. (*Inaudible*). The Town of Arkwright borders Villenova. They have a separate wind park project in this process still under SEQRA. This (*inaudible*) project has brought up many questions from the residents starting with the Board and the committee being compensated for the wind company. There are also many residents opposed to this project. Again, this is a lack of notification during the entire project. Only the minimum required. Now we come to the Cassadaga Wind project that is now under Article 10. Once again, no health experts, inaccurate bird and bat study, no expert property value study, and no study personal water wells, lack of notification to all residents. Don't get me wrong and please understand, the three projects all have the same problem. Lack of health studies, bird and bat kill, and property

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values dropping, water visual impact, three neighboring projects will have a total of 123 turbines. All these need expert evaluations. These turbines are just under 500 foot tall. This will definitely be an impact of all of us who live here. Mr. Dan Spitzer is a lawyer who represents all the towns. Also paid for by the wind companies and is very pro wind. This seems to be a conflict of interest. The *(inaudible)* representative of the Public Service Department for Cassadaga Wind, seems to be very fair at the last public hearing. All the people that were there, were heard. This why many people started to speak out. The Villenova public hearing was a circus, run by Dan Spitzer left finger pointing and bullying to go on for all the people that opposed the project. We need advocates who are clearly on our side such as what they *(inaudible)* Article 10. Advocates qualified to access the validity of the reports and documents both pro and con on this project. That is why Article 10 was created but the communities of Villenova, Hanover, Arkwright and other towns such as Cassadaga Wind projects are getting hammered. We are not opposed to wind energy, we do not concede that *(inaudible)* clean energy to developers. However, nowhere is it written or legislated that turbine must be placed in residential communities, that is the sticking point and that is what needs to be addressed. Thank you.

My name is Tina Graziano, I live in Forestville, N.Y., Town of Villenova. To this date, in all of these projects, there are many people still unaware that these giants are coming to their communities. This is unacceptable. These wind companies slide, snowball the uneducated board members, keep the notifications at a minimum to deter community opposition. Get it all signed, sealed, *(inaudible)* project and they are out of here and our lives will never be the same. The community is now split. We do not have or able to pay for legal representation or guidance. We do not have residents that are rich and able to pay for lawyers to defend our rights. The communities of Villenova, Hanover, Arkwright, and the township of the Cassadaga Wind project are getting hammered. We need help. We're up against big money wind and why is it that a landowner that signs their land rights away to a wind company has all the power and political backing. The resident's health and well-being were traded for the promise of easy cash delivered by traveling salesman. The neighbors whose lives was never considered during the planning will now have to suffer for the 123, 500 foot turbines, *(inaudible)* sides, to their backyard, front yard and to the sides, an intrusion, numerous health impact, shadow flicker, noise, sleep deprivation and the abomination that will never stop or leave. Our homes are our biggest assets and sanctuaries and they should stay that way. Why do they have the right to force people who own their homes, be forced to live next to dangerous industrial turbine and given no recourse? Why is it that we have to fight with the right to remain safe in our homes. We don't have the money for lawyers to do defend our God given and American right to live in peace around us. Absolutely zero consideration or rights have been given to residents without lease an agreement. How is this legal? Our homes will be worthless. We'll be forced to leave our *(inaudible)* work our entire life for, we have spent our whole life here, raised our children here in this pristine area and now they come in and destroy our lives. Who speaks for us? Who fights for us? We pay our taxes and mortgages and maintain our homes. We don't have the money to fund lawyers to save us. We need immediate help. The wind companies are running over us. We deserve the right to be represented. We need to end this *(inaudible)* give away. It's destroying our lives and we're just devastated. Our lives and life plans have been turned upside down. Do you think of residents, the Legislators and other politicians in the *(inaudible)* devastation that would happen *(inaudible)*. This is why these 494 wind turbines must not be put here. They have documented serious health hazardous *(inaudible)* only to them. Thank you very much.

My name is Fred Keller, I'm a citizen of Arkwright and I'm speaking just for myself. In November, the Army Corp sent out a public notice to some of Arkwright residents. When I discovered that a near neighbor did not get a notice, I wondered why and this struck me as peculiar. I started talking to other neighbors and discovered that only those people whose property was contingent to proposed turbine properties got the mailing. Why so? It just so happened that a neighbor who would be living closer to several turbines that we are, did not get a notice. Now that doesn't sound fair. Now it gets interesting. On page 4 of the notice, there was about 10 pages to the notice, here is a statement. A lack of response will be interpreted as meaning that there is no objection to the work as

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proposed. This is weird. So by eliminating a large portion of us, they can lump these uninformed people into the approval category. The supposed, unbiased Army Corp looks like collaborators, don't they? This got my dander up so I wrote 350 letters to my fellow citizens warning them that this shenanigan was afoot. Fifty responded. Many thanked me for the warning.

In November the Dunkirk/Fredonia Observer printed a front page article lauding the coming wind farm bonanza. In this article, our Superintendent bragged that he had overwhelming support for his pet project which he likes to call the cathedrals of the 21st century. My attempt to submit a counter article to the Observer was dismissed as irrelevant. I am not going to mention the various objections but I have a disk from the Sinclairville meeting which had about 30 people expressing their opinion. About five were in favor and the rest had very, very good explanation of their objection. So I asked first of all, is to be informed and then to rethink that backing of this group. Good wind works, ignorant wind destroys. As my daddy used to say, you can put a tuxedo on a skunk, it still stinks. That's it. This disk is available if anybody wants it.

Mr. Anthony Toda, live in Jamestown, PO Box 1088. I have addressed the members of this Legislature in the past years concerning evidence of lies, harassments and negligence by the Chautauqua County office of the Sherriff when I make a complaint to the Chautauqua County dispatchers. The latest problem occurred this past Sunday, January 22, 2017, I called the Chautauqua County dispatcher again to complain about illegal loud noises in my neighborhood. The dispatcher first failed to identify themselves that I have complained in the past about, also the dispatcher lied to myself and apparently to the Jamestown Police who when I asked to patrol the section of Maple Street from Arnold Street into (*inaudible*) Camp Street in Jamestown, New York. Instead the police personally approached me at a residence (*inaudible*) where I was and told me that the dispatcher said that I wanted to speak with them. This is contrary to my request I was only trying to get the police to patrol a specific area, on Maple Street in Jamestown, New York. Along with this, there is a history of continual harassment by the dispatchers and Sheriff Gerace himself. I'm requesting that the Chautauqua County Legislature, Public Safety Committee, ascertain if first, Sheriff Joe Gerace is using his office to maliciously manifest a personal vendetta against myself and secondly ascertain if the Sheriff and the office is being directed or motivated by outside influences. Such outside influences are including any Federal, State, County, or local government or law enforcement agencies or the public at large. He may be using the office of the Sheriff to exercise continued lying, malicious violations against my personal rights and as a citizen of this country. I will detail my request in writing to the Chautauqua County Legislature, Public Safety Committee, I'm requesting a subsequent full comprehensive report from the Public Safety Committee in writing, to be stated publically, at this Legislature and to myself and further Legislature meetings which I will attend in the future and I can't underscore the problems that I have been having for about 20 years now and the personal violations of my rights in this County and elsewhere and something needs to be done about it. I believe that it originated in the Federal government and it stepped right down to the local level and the people that are involved in it need to be jailed and (*inaudible*) crimes that they are doing now against myself but a potential for this to be escalated to other innocent victims not only (*inaudible*) our entire country. Thank you for your time.

I'm Emily Reynolds, Executive Director of Cornell Cooperative Extension. I live in Sherman, New York. I just want to remind everyone that February 26th is our Green Tie Affair for 4-H. Tickets are going and tables are still available but not a lot so I would encourage everybody to attend that dinner. The dinner starts at 5:00. The auction starts at 3:00 and you don't want to miss the pie auction after that. So, if you have any questions, let me know but I wanted (*inaudible*) over at 4-H. Thanks for your help.

Mr. Ben Haskins, Peck-Settlement Road, Jamestown, New York, Town of Ellicott. This fellow has been up here many times to complain about the noise at his house and these other people are going to have the same problem. Much worse probably than he because they have to live with

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(*inaudible*) racket from these towers and it seems to me that this company should be required to mitigate their problems. To sound proof their homes so that they don't have to put up with this for years and years like this other man had to do. But he lives opposite of a stone wall or brick wall where there is an echo effect under the hospital. I don't blame him for coming here to complain. He doesn't have the money to move somewhere else probably and other residents are facing the same problem on that block and maybe some other places. I am not sure about that but all these wind towers is going to make an awful racket. It seems to me that maybe we could change the law so that they would have to mitigate that. We have a sound ceiling in here, most houses don't have a sound ceiling so (*inaudible*) and echo's around. We have good windows on our building here so if a car or a big truck goes by, you don't hear it that much but most houses, the windows aren't that tight. The sound, while could be mitigated, it seems like it should be part of the cost of coming in. From what I have heard, some of these companies have come in with sizeable sums of money and make donations to town officials sometimes that they shouldn't be allowed to make either. This should be kept an eye – some people need to keep an eye on it because these guys will do anything to get these towers and big, big trucks (*inaudible*) and in other communities where they paid off some representatives to get these towers up very quickly because there is a lot of money in it. Thank you.

Chairman Himelein: Anyone else for comments under the privilege of the floor? Seeing none, I will close the privilege of the floor.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (7:20 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, February 22, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel, the minutes were approved. (1/25/17)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 1/3/17

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

2017 STATE OF THE COUNTY NARRATIVE

Mr. Chairman, County Legislators, and my fellow citizens, thank you for the opportunity to present my 2017 State of the County address. As Chautauqua County Executive, I am proud of our accomplishments and committed to working hard to continue to move our county forward. Unlike previous addresses which focused primarily on our County financial challenges, which are now in good shape, I have chosen to measure the state of our County by looking outward to our community, using Chautauqua County's Comprehensive Plan, *Chautauqua 20/20*.

The *Chautauqua 20/20* comprehensive plan was adopted by the Chautauqua County Legislature in April 2011. It identified 15 focus areas with priority action steps to get us to the goal line by the year 2020.

Key goals included reducing property taxes, growing our economy, creating government efficiencies and stopping businesses from leaving Chautauqua County.

In order to determine how much success we have made five years into the plan, we reconvened the focus groups to assess our progress. I am pleased to report on our progress as a Thriving Community for my 2017 State of the County, so let's look at those 15 focus areas to see where we are on our journey.

The first focus area is Tourism/Cultural Resources. In New York State, the second fastest growing sector is tourism. In Chautauqua County it is also a leading sector as it accounts for \$260 million in economic impact. In addition to significant tourism dollars, second home property owners pay a significant portion of our tax levy. Occupancy tax dollars are growing every year and the revenues are critical to maintaining our lakes, waterways, and attractions bringing even more to Chautauqua County.

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We are establishing the county as a premier regional destination. The National Comedy Center will open later this year and draw visitors from across the nation. Last year, the LECOM Health Challenge marked the return of the PGA to Peek'n Peak. The tournament was awarded the "Rookie of the Year" award by the PGA for being the best new event for the 2016 season. The tournament returns again this year from July 3 through July 9. In addition, the new amphitheater at Chautauqua Institution is scheduled to open with the 2017 Chautauqua Season. This will be a significant upgrade to its facilities and draw even more visitors to this incredible destination that promotes life enrichment through religion, the arts, education, and recreation.

Winter and summer festivals are also drawing visitors from all over the country. The Lucy Fest, Dunkirk Air Show, Bemus Bay Pops, holiday celebrations and so many others make Chautauqua County unique and they are expanding the draw of visitors every year.

The Chautauqua County Visitors Bureau has expanded its promotional strategy by using the web and social media to target tourists, anglers, and outdoor enthusiasts to experience all Chautauqua County has to offer.

The second focus area is Agriculture and Foods. Agriculture is the fastest growing sector in the state. In Chautauqua County, we are seeing the success of our Lake Erie Wine Country wineries and the expansion of craft breweries and distilleries.

In coordination with Cornell Cooperative Extension of Chautauqua County, we started an annual Ag Summit to identify challenges and opportunities affecting the agriculture industry such as farm sustainability, profitability, and markets.

We look to expand our growing number of farmers markets by adding various other attractions in conjunction with them such as music and outdoor activities. We are also branding our local foods as "Chautauqua Grown" to expand local markets through a loyalty and home-grown marketing campaign.

The Grape Discovery Center is also expanding to attract even more visitors as they move forward with the Phase II expansion grant. This expansion project will construct a commercial kitchen, allowing more events to be catered and potentially allow local producers to make value-added products to sell to the public.

The third focus area is Business/Economic Development.

A headline from the February 11, 2017 Post-Journal read, "Monofrax Eyes Growth Under New Ownership."

This Falconer plant is re-growing its business opportunities through the establishment of partnerships with customers both new and old, and is expanding its workforce by 30 employees. This is exciting news for a company that was on the verge of shutting down a couple of years ago.

From Titan X and Castelli Cheese to Bush Industries and so many others, the success of retaining our large and small businesses is clearly evident.

New manufacturing plants such as Athenex and New Flyer, as well as expansions at Fieldbrook Foods and Artone indicate that Chautauqua County is a great place to do business.

New hotel planning and construction is the largest ever with new hotels coming to Jamestown, Celoron, Mayville, Dunkirk, and other areas in the county.

In fact, Buffalo Business First ranks us second in overall development projects at \$2.8 billion.

The complete business and economic development story is available in this year's edition of Chautauqua County on the Move. This update from the County of Chautauqua Industrial Development Agency (CCIDA) and Department of Planning and Economic Development is located in your packet. I congratulate the CCIDA and planning and economic development team for their hard work and success.

The fourth focus area is Infrastructure/Public Investment. In a true regional solution, six local municipalities have joined together to reduce capital costs and increase capacity through the North Chautauqua County Water District (NCCWD). This spring construction will proceed along Route 5 and in the fall water will flow to more households and businesses. The district's low water rates will pave the way for economic development in Northern Chautauqua County.

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The goal of completing the sewer system around Chautauqua Lake is now in sight as we work to eliminate over 100 private septic systems. Upgrades to the north basin are in progress and include the Chautauqua Heights package plant conversion and the North Chautauqua Lake Sewer District's plant Total Maximum Daily Load (TMDL) upgrade. The next step is to find the funding to extend the system up the Southwestern side of the lake through North Harmony and into Stow.

Much needed repairs to the Findley Lake Dam are underway with a sewer system on the horizon.

Water system improvements in Ripley, Westfield, and Ellicott are in the final planning stages with CFA funding awarded for some and an aggressive pursuit of funding for others.

For the past three years the investment in our roads, bridges, highway equipment and facilities are paying big dividends as we maintain the critical infrastructure supporting our businesses, residents, and visitors.

Broadband projects in Arkwright and Cherry Creek will soon bring critical IT infrastructure to the Northeast rural part of the County.

The fifth focus area is Education and Libraries. We can all agree that education is the critical component for a thriving community, economic security and growth. This past year, in conjunction with Jamestown Community College (JCC) and the Chautauqua County Chamber of Commerce, we conducted an Employment Readiness Summit to bring together job trainers and job seekers. We continue to see a gap between available good paying jobs here in Chautauqua County and qualified applicants. Industrial maintenance technicians, nurses, and engineers are clearly in demand with our growing businesses and healthcare institutions.

The Chautauqua County Education Coalition is bringing together educators with business leaders to make sure we are training our workforce for the jobs of tomorrow.

The new expansion of the JCC Manufacturing Technology Institute and the new science center at the State University of New York at Fredonia are matching the current and future education needs of job seekers with the high tech jobs of tomorrow.

Chautauqua County understands that paradigms of manufacturing jobs of the past compared to the high tech manufacturing equipment of today require innovative approaches. We need to attract our middle and high school students to the manufacturing field, where an aging workforce will result in thousands of retirements over the next five years. For this reason, Dream It. Do It. WNY and the BOCES P-Tech programs are highly effective, educational programs to fill the gap.

The sixth focus area is Workforce Development. We finished 2016 with an average annual unemployment rate of 5.6%, which was .5% better than the prior year and the best since the start of the great recession of 2008.

Employers are hiring, but are having difficulty in finding qualified applicants.

To this end, we are making sure our educators are fully aware of the types of jobs coming over the next several years including advanced pharmaceutical manufacturing.

Our growing Hispanic workforce requires us to ensure that we are reaching out to this population to match skills with opportunities. The bilingual employment exploration events conducted in Jamestown and Dunkirk were a great start along with Workforce Investment Board (WIB) and English as a Second Language training programs.

The Employment Readiness Summit hosted by WIB, JCC, and the Chamber clearly points out that more work needs to be done to fill the jobs currently vacant and for the growing job market we will see over the next few years in Chautauqua County. We must keep our educated and trained students here and attract millennials with quality jobs and quality living.

The seventh focus point is Environment/Waste Management/Water Resources. The Chautauqua County Landfill is undergoing a cell expansion project that will provide low cost, convenient, and environmentally-safe waste disposal for 25 more years at no taxpayer expense.

In spite of sinking commodity prices, Chautauqua County is committed to working with our local municipalities to ensure County-wide recycling remains at the forefront of waste disposal.

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Multiple wastewater projects and stormwater zoning regulations are being updated to ensure we protect our lakes and waterways.

Thanks to help from our federal and state elected representatives, we have successfully dredged our Lake Erie harbors in Barcelona, Dunkirk, and Hanover.

Through the work of the Chautauqua Lake and Watershed Management Alliance and Chautauqua County Soil and Water Conservation District, we are leveraging local funding to bring in foundation, State, and Federal aid to maintain our stream banks and reduce agricultural runoff.

Following years of collaborative work, the Chautauqua Lake Macrophyte Management Strategy (MMS) is nearly complete and will provide a science-based resource document for the effective management of in-lake vegetation for Chautauqua Lake. I thank Dave McCoy and Don McCord from our Department of Planning and Economic Development for their leadership in completing this very important work.

The eighth focus area is Historic Preservation/Community Revitalization. From Jamestown to Westfield to Dunkirk to Silver Creek, a vibrant spirit of embracing our history is one of our strongest assets. For example, we have seen the historic train station and iconic bank buildings being adapted for new uses in Jamestown, renovations at the Fredonia Opera House, and tours of historic homes throughout the county. These buildings and many more historical structures have been compiled into the County-wide Historic Structures Database and they continue to attract residents and visitors.

The network of local historical societies is bringing history to life through civil war reenactments and mapping the underground railroad in Chautauqua County.

Through the leadership of County Historian Michelle Henry, our County-wide history fairs and community bicentennial celebrations are well attended and fascinating to both young and old.

I thank the hundreds of volunteers who work in historical societies and museums across the county for preserving our heritage. They make sure our future is guided by our past and our children and grandchildren know who made this County great.

The ninth focus area is Active Living/Recreation. America has embraced an active lifestyle with baby boomers and millennials searching for leisure activities such as hiking, bicycling, and kayaking.

The Chautauqua County Greenway Plan, which focuses on outdoor and active living projects, especially trail development, is well underway with six of the top ten projects having been completed or actively underway. The Lake Erie Waterfront Revitalization Plan, which focuses on developing and providing more public access to Lake Erie, is progressing to Phase II. In Jamestown, the Riverwalk development projects are scoring high in the revitalization planning and allowing the existing pathways to grow. These plans and projects have positioned us as a premier destination for outdoor recreation.

Winter recreation activities are also growing. More visitors are traveling to our county to snowmobile on over 400 miles of marked trails, ski or snowboard on our scenic peaks, cross-country ski or snowshoe through our tranquil parks and trails, and ice fish on our beautiful lakes.

In August, we expect over 500 bicyclists to participate in the third annual Gran Fondo tour around Chautauqua Lake. Not only will this event bring in tourists for the weekend, but it will introduce our visitors to our county's incredible beauty and recreational opportunities. This will encourage visitors to extend their stays or return again to explore more of our county.

We continue to promote Chautauqua County's events and leisure activities throughout the year and we are getting closer to reaching our goal of making the county a year-round recreational destination. Bring the golf clubs and snow boots and be prepared for fun in Chautauqua County all year long!

The tenth focus area is Energy.

NRG has been one of the largest taxpayers in our County. Its repowering project, which was announced by New York State Governor Andrew Cuomo several years ago, is back on track after a long delay due to the Entergy lawsuit. We understand the repowering project to bring clean and reliable energy to Western New York may take several years to complete, but we are optimistic that repowering is now back in our near future.

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Three wind turbine projects are making their way through the approval process. They will bring additional renewable power along with over \$3 million in tax payments to municipalities and property owners.

Chautauqua County has established an energy subcommittee to review New York State Energy Research and Development Authority (NYSERDA) incentives and the goals of the Governor's 50 by 30 program to make the state 50% renewable by 2030.

Six local municipalities are now participating in the NYSERDA clean energy grants.

The Landfill methane power plant continues to generate positive revenue through renewable power generation while meeting all environmental protection criteria.

The eleventh focus area is Youth. In partnership with Chautauqua Opportunities and many others, Chautauqua County is committed to protecting our most vulnerable youth. We are becoming one of twenty-seven Safe Harbor Counties in the State, having been awarded funding to increase awareness of human trafficking, implement strategies to help victims, and prevent this very real form of abuse.

The ICE 8 coordinated school health program, created in partnership among our Department of Health and Human Services, Department of Mental Hygiene and the Erie 2-Chautauqua-Cattaraugus BOCES, continues to grow. By focusing on youth, addressing critical education, health and social issues, organizing collaborative actions that support students, and engaging community resources and families, we know we can improve health and education outcomes and quality of life.

As a division of our Health and Human Services Department, the Youth Bureau is able to connect with youth serving agencies to maximize resources to engage and empower our high risk youth.

We also have groundbreaking initiatives aimed at engaging our middle school, high school and college students in career opportunities in Chautauqua County. Various internship and mentoring opportunities provided through the Workforce Investment Board; Civil Air Patrol; Dream It. Do It. WNY; P-Tech and other organizations help give our kids the hands-on experience they need to succeed.

The twelfth focus area is Housing. Since its inception five years ago, the Chautauqua County Land Bank has been very successful in eliminating blight in both urban and rural areas of the County. From 2012 to 2016, the Land Bank acquired 62 properties for its Rehabs 4Sale program and sold 42 of these rehabilitated properties, pulled 69 properties for demolition and currently has taken down 53 of them, and pulled 31 properties for sidelots and restored 22 of them back on the tax rolls. In addition to private investment of \$1.6 million, The Land Bank has also secured \$2.86 million in state grant funding from 2013 to 2016 to support program operations. It continues to apply for grants and we are expecting an announcement soon on new grant awards.

Numerous partner and community organizations have been highly effective in providing safe updated housing for low income and disabled members of our communities.

The Chautauqua County Landfill credit program has successfully incentivized local municipalities to demolish derelict structures.

Senator Catharine Young has been successful in including both capital and operational funding in the state budget to support transitional housing for those recently released from incarceration and/or facing the need for supervised housing due to drug addiction. In partnership with Southern Tier Environments for Living (STEL), we hope to finalize a new location for such transitional housing in the south part of the County within the next few months.

The thirteenth focus area is Healthcare. This is one of the very important and exciting sectors in our economy in terms of new development throughout Chautauqua County. The new UPMC Chautauqua WCA, a result of the recent affiliation of WCA Hospital and UPMC, strengthens the provision of healthcare services for the greater Jamestown area now and into the future. As Brooks Memorial Hospital joins forces with Kaleida Health System, we are anxiously awaiting the announcement of a new hospital campus in the Dunkirk area. Also in conjunction with Kaleida, we are anticipating additional health services at TLC Health Network. Westfield Memorial Hospital, an

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affiliate of Saint Vincent Hospital, is also upgrading its Emergency Department to better serve patients, visitors and staff.

The Public Health Division of our Health and Human Services Department has developed a holistic maternal/child health home visiting program that assists low-income families. Pregnant and post-partum mothers are linked with a community health worker or Registered Nurse who can monitor and educate mother and baby during pregnancy and for the first 18 months of life with the goal of improving health and social outcomes for both.

Strong efforts on the part of our healthcare systems, community leaders, health network and foundations are underway to recruit and retain much needed physicians and mid-level providers. Training programs for nurses and allied health professionals also continue to grow and develop to meet today's ever-increasing demand for health professionals.

The shortage of volunteer EMTs is being met by the newly approved County Paramedic Emergency Response Unit that will bring additional rapid, lifesaving emergency care to all areas of Chautauqua County.

New York State and Chautauqua County have not been immune to the nationwide opioid epidemic. I am very proud of how this Chautauqua County community has come together to fight this with an innovative, collaborative and multi-faceted approach. After years of trying to get expanded local drug treatment programs in the County, New York State has recently approved an outpatient detox program at UPMC Chautauqua WCA and a residential treatment facility at its Jones Hill campus. We are awaiting word on the application for additional inpatient substance abuse treatment services at TLC Health Network.

The fourteenth focus area is Local Government. The subject of regional solutions to reduce the cost of government services through efficiency and shared services is certainly not new. We know sharing services is well established here in Chautauqua County. What is new is the renewed commitment we are seeing at the citizen voter level. One year ago, I chartered a Regional Solutions Commission chaired by Legislator George Borrello to review, track and facilitate efficiencies in government, public safety and infrastructure.

The commission has assisted with three Article 17A dissolution petitions. These include the Village of Forestville dissolving into the Town of Hanover, the Village of Sherman voting not to dissolve into the Town of Sherman, and the Village of Cherry Creek voting to dissolve into the Town of Cherry Creek.

The commission has also identified 12 projects for consideration to either merge, consolidate, or share services. These projects have been submitted to the state as part of the Municipal Consolidation and Efficiency Competition. We received news last week that Chautauqua County, and its 23 partner governments involved in the submission, were selected as one of six Phase I awardees. As a result, we will receive \$50,000 to further develop our plan as we move to the final round of the competition and try to take home the \$20 million grant award.

Jamestown is one of only ten municipalities across the state that has been awarded a \$10 million Downtown Revitalization Initiative award. Twelve projects have been finalized and forwarded to Albany for final analysis and funding decisions. Under consideration are streetscape design, building restoration, excursion train expansion, and development of the riverfront, hotels, and breweries.

The City of Dunkirk, Village of Fredonia, and State University of New York at Fredonia received a first ever technical assistance grant to develop a Central Connection to create a walkable, bike-able streetscape to encourage movement from the Barker Commons to the Dunkirk Pier. Immediate improvements include landscape and beautification upgrades at Barker Commons and a Canal Side design to enhance the Dunkirk Pier into an activity venue for summer concerts.

The final focus area is Community Action/Human Services/Civic Organizations. Improving the housing stock of our cities, towns, and villages requires broad coalitions of civic, not-for-profit and public-private partnership organizations.

The Jamestown Renaissance Corporation's Renaissance Block Challenge and Northern Chautauqua Community Foundation's Neighborhood Pride Challenge are incentivizing homeowners to complete exterior renovations and invest in the community.

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We are also focused on further developing the downtowns, providing entertainment venues, and promoting active living to attract and retain the growing millennial population. We are encouraged by the young professional groups which are focusing on shaping our community investment decisions and recruiting their peers to live, learn, and play here in Chautauqua County.

Chautauqua County is blessed with a multitude of strong foundations focused on economic development, quality of life, and support for underserved populations.

The Gateway Center has become a hub in Jamestown for faith-based services, welfare to work initiatives, peer to peer counseling and St. Susan's soup kitchen.

New York State has provided the City of Jamestown with a \$1 million Poverty Reduction Grant award, which is being administered by the United Way of Southern Chautauqua County. Rotary, Kiwanis, Lions, and so many other service clubs strongly support Chautauqua County residents through volunteer resources that form the backbone of community service.

I call your attention to the detailed status report on *Chautauqua 20/20* titled: *Chautauqua County on the Move and Thriving*, which is located in your packet and on the Chautauqua County website. It contains the strategies, progress report, success stories, and the way forward in each of the 15 focus areas. I thank Dan Heitzenrater and Nate Aldrich for their extensive work compiling this important summary of our progress.

It is safe to conclude that Chautauqua County has all the arrows pointing in the right direction as we move forward to 2020. Progress is undeniable and 2020 goals are clearly within reach.

Underpinning our success is our solid financial status. We have cut our property tax rate for the past four years in a row and lowered it by 74 cents per thousand from six years ago. We have come in under budget for each of the past five years and significantly shrunk our structural deficit to manageable levels. Most importantly, we have put in place a solid five year financial plan that creates the confidence that Chautauqua County is a great place to invest in.

Regional solutions are gaining grassroots support and achieving efficiency results.

We are seeing existing businesses get stronger and grow while new ones are coming to Chautauqua County. We are clearly making progress while keeping our foot on the gas.

Mr. Chairman, County Legislators, and citizens of Chautauqua County, as I conclude this, my fourth State of the County address; I do so with a very strong sense of optimism and pride in our County. I thank all of you, our citizens, our public servants, community organizations, and especially our younger citizens for the work they do every day and the confidence you have in Chautauqua County as we work together to strengthen our communities.

I am confident that as we journey through 2017 we will continue to celebrate even more successes while we tackle our challenges head on.

I am pleased to report that the state of Chautauqua County has broken through the bow wave, is clearly on the move and thriving in so many areas!
Thank you.

PUBLIC HEARING:

6:45 P.M.

Modification of Improvements for Phosphorous
Removal in the Treatment Plant of the
North Chautauqua Lake Sewer District

Chairman Himelein: We will now open the public hearing. (7:08 p.m.) Is there anyone to speak to this public hearing on the phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District. Is there anyone here to speak: Seeing no one, we'll close the public hearing. (7:09 p.m.)

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COMMUNICATIONS:

1. Letters(5) – County Executive – Apptmts. to Various Boards & Commissions
2. Email – From Craig Robbins – Re: Resigning from the Sports Fishery Advisory Board
3. Letter – DA – Re: Succession of Power and Duties for DA's Attorneys
4. Minutes – Chaut. County Soil & Water Conservation District – Jan./2017
5. Quarterly Report - Small Business Development Center – 10/1/16-12/31/16
6. Letter – NYS Department of State – Ack. Receipt of LL's 1-17 & 2-17
7. Letter – Senator Young – Re: Ack. Receipt of Epidemiology LL
8. Letter – W. Pennica – Re: Jeopardizing Our Greatest Assets

Legislator Scudder: I would like to have number 8 read please.

Clerk Tampio: This is dated February 16, 2017, received in our office on February 21st. Regarding Jeopardizing Our Greatest Asset.

Dear County Legislators,

The 2013 Status Report on the Implementation of Chautauqua 20/20 Proposed Recommendations states: 9 out of 10 respondents to a survey conducted as part of Chautauqua 20/20 stated that the County should concentrate its efforts on preserving and promoting the County's natural assets.

As a lifetime resident of Chautauqua County I am deeply concerned with the human and environmental impact of the proposed Industrial Wind Farms on our rural heritage and our well-being.

The Chautauqua Comprehensive Plan (my husband was on the planning board at its inception) states its purpose was to capitalize on Chautauqua County's natural, built and human assets to create jobs, lower the costs of existing services and enhance the quality of life while preserving the rural charm of the County. Some of the strategies listed include:

- (a) cultivate a business culture that thrives on Chautauqua's rural work and play lifestyle.
- (b) Make active living and recreation, based on the County's beautiful natural environment, a distinct lifestyle attraction that draws new people to Chautauqua.
- (c) Maintain Chautauqua's rural landscape, heritage and scenic views

Industrializing our rural communities will not achieve this vision.

During a recent trip through Wisconsin we saw firsthand the devastation inflicted upon rural communities with improper siting of Industrial Wind Turbines. In fact, The Shirley Wind Farm in Brown County WI was declared a Human Health Hazard by the County Board of Health in 2014.

Health professionals and acousticians around the globe are calling for setbacks much greater than current Wind Industry standards and are petitioning the World Health Organization to address the noise and health issues. Who will mitigate these problems in Chautauqua County when the Wind Companies fail to do so? Why are there serious noise complaints and/or lawsuits at every Wind Farm in NY State?

According to Tom Brown a retired DEC representative and ecologist, the State has had inadequate oversight over the industry, and rural towns are not prepared to deal with the well-financed Wind Industry. Our effected townships are experiencing this right now - with conflicts of interest and lack of transparency.

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Our communities will be hurt by these projects. Wind developers use a business model that creates winners and losers - and you will lose if your neighbor signs a lease. Imagine everything you have worked for, your home and the peace you once enjoyed lost to a 500 ft. Industrial Machine with blade spans the length of a football field spinning at 180 mph. Despite Industry claims, property values will be impacted, with studies cited by the National Association of Realtors showing a 20 to 40 % decrease in value within 1/2 mile of the turbines. My husband is a Real Estate Appraiser - he will tell you location does matter!

Why do these multi-national Wind Companies, farming our tax dollars in the form of giant subsidies, receive more consideration than the hardworking, taxpayers of NY State?

Denmark's retired High Court Judge, Peter Rordam wrote:

There is one area in which I do have knowledge...Wind Power which is an industry that has managed to thoroughly corrupt the political system.

We can only hope our State officials do not fall prey to similar collusion and corruption.

Governor Cuomo's 50/30 renewable energy goal will likely target Western NY for more Wind Projects, especially in light of the American Wind Energy Association's 2016 report stating 25 wind operations across the State produced only 2.8% of our electricity. The amount of land needed for these projects (Cassadaga Wind will have a 40,000 acre footprint) and how much more will be required to reach the goal of 50% by 2030 is staggering. One can imagine the environmental damage and the ensuing destruction of our natural and precious landscapes.

Worse yet, is the report by the Ontario Society Of Professional Engineers titled "Ontario's Electricity Dilemma". They conclude that adding renewables to Ontario's grid has not only caused electric rates to soar, but is also causing CO2 levels to rise. In fact, they predict as they phase out nuclear capacity to make room for wind and solar, CO2 emissions will double by 2032. Unexpected consequencesNew York State should take heed.

We all have the responsibility of environmental stewardship. We need a Green Energy Policy that works and will actually save the planet..... not harm it.

Sincerely, Wendy Pennica

If there are any other items that you would like a copy of please let our office know.

RENEW & AMEND RES. NO. 111-16 – Authorize Director of Finance to Increase Appropriations for the South Main Street Bridge, PIN 5761.00 County Bridge 1085 Rehabilitation (See page 116 of 2016 Journal for text)

Chairman Himelein: Do I have a motion to renew this resolution?

MOVED by Legislator Whitford, SECONDED by Legislator Tarbrake

Unanimously Carried

Chairman Himelein: We now have an amendment to Res. 111-16. Is there a motion to amend?

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MOVED by Legislator Nazzaro, SECONDED by Legislator Tarbrake.

Amend as follows: 2nd WHEREAS – change \$2,385,000 to \$3,705,000

3rd WHEREAS – change \$477,000 to \$741,000

Under:

Increase the Use of Fund Balance:

Change \$237,000 to \$185,250

Increase Appropriation Account:

Change \$237,000 to \$185,250

Increase Capital Appropriation Account:

Change \$2,385,000 to \$3,705,000 and

Establish & Increase Capital Revenue Accounts:

Change \$1,908,000 to \$2,964,000

Change \$240,000 to \$ 555,750

Change \$237,000 to \$ 185,250

Change Total of \$2,385,000 to \$3,705,000

Unanimously Carried

RENEW & AMEND RES. NO. 111-16 – Unanimously Adopted as amended – February 22, 2017

Motions: (On file w/ Legislature Data)

2-17 Proclaiming March Women's History Month – Unanimously Adopted

3-17 Proclaiming March 20th-24th Agricultural Literacy Week in Chautauqua County – Unanimously Adopted

RES. NO. 28-17

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.

Legislator John Hemmer
7539 E. Rt. 20
Westfield, N.Y. 14787
Term Expires: 12/31/17

Filling the term of David Himelein

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – February 22, 2017

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RES. NO. 29-17

Confirm Appointment – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors

By Public Facilities Committee:

At the Request of Chairman David Himelein:

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

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

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

Daniel E. Larish
10148 Patterson Lane
Fredonia, N.Y. 14063

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – February 22, 2017

RES. NO. 30-17

Confirm Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

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

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

<u>1st Battalion</u>	<u>2nd Battalion</u>	<u>4th Battalion</u>
Teresa Penhollow 3435 Bard Rd. Cassadaga, N.Y. 14718 Term Expires: 1/31/18	Robert Crane 120 Miller St. Sherman, N.Y. 14781 Term Expires: 1/31/18	John Griffith 3659 Dean School Rd. Falconer, N.Y. 14733 Term Expires: 1/31/18

Signed: Wendel, Bankoski, Tarbrake, Niebel, Whitford

Unanimously Adopted – February 22, 2017

REGULAR SESSIONS

RES. NO. 31-17
Confirm Appointment – Chautauqua County Health Board

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

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

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

<p>Natasha Souter 12 Adams St. Silver Creek, N.Y. 14136 Term Expires: 12/31/22</p>	<p>Replacing Marcia Merrins</p>
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Signed: Tarbrake, Rankin, Lemon, Whitford

Unanimously Adopted – February 22, 2017

RES. NO. 32-17
Confirm Re-Appointments – Southern Tier Extension Railroad Authority Board of Directors

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

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

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

<p>Richard E. Dixon 107 Buffalo St. Jamestown, N.Y. 14701 Term Expires: 2/28/20</p>	<p>Adam Gorczyca 5375 Powers Rd. Orchard Park, N.Y. 14127 Term Expires: 2/28/20</p>
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Signed: Chagnon, Odell, Starks, Niebel

Unanimously Adopted – February 22, 2017

RES. NO. 33-17
Confirm Appointment – Conewango Watershed Commission

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

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

JOURNAL OF PROCEEDINGS

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

Kristopher Ivett
8778 North Hill Road
South Dayton, N.Y. 14138
Term Expires: 12/31/19

Replacing Herbert Nobles

Signed: Chagnon, Odell, Starks, Niebel

Unanimously Adopted – February 22, 2017

RES. NO. 34-17
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman David Himelein:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)			Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
ELECTED OFFICIALS								
Legislator	6.00	Kevin Muldowney				01/01/16 - 12/31/17	4.50	
APPOINTED OFFICIALS								
Deputy County Fire Coordinator	6.00	Daniel Aldrich				02/18/16 - 12/31/17	5.62	
Assistant District Attorney	7.00	Erik Bentley				01/26/15 - 12/31/17		X
Deputy County Fire Coordinator	6.00	Scott Cummings				08/01/15 - 12/31/17	5.56	
Assistant Public Defender	7.00	Peter Larson				04/22/16 - 12/31/17	9.06	
Assistant District Attorney	7.00	Rachel Roberts				01/01/14 - 12/31/17	18.99	
Assistant District Attorney	7.00	Emily Sobilo				01/01/14 - 12/31/17	23.50	

REGULAR SESSIONS

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:

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – February 22, 2017

RES. NO. 35-17
Real Property Tax Foreclosure Parcel

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

WHEREAS, the County Legislature previously approved a request to reacquire tax foreclosure parcel 064489-285.00-1-30 (Freeman), and

WHEREAS, the Office of Real Property Tax made every effort to process reacquisition paperwork, and

WHEREAS, the party seeking reacquisition has failed to submit required documentation to finalize the reacquisition of the parcel, and

WHEREAS, because of the delinquent tax status, the parcel is eligible for tax foreclosure, and

WHEREAS, it is in the County's best interest to begin the process of foreclosure, therefore be it

RESOLVED, That the legislature hereby rescinds the prior approval of the reacquisition request with no refund of prior tax payments and that the Director of Real Property Tax is hereby directed to include the parcel in the next available tax foreclosure proceeding.

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

Unanimously Adopted – February 22, 2017

RES. NO. 36-17
Applications for Credit of Real Property Taxes for 2016

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

WHEREAS, the Director of Real Property Tax Services has received an RP-554 Application for Corrected 2016 Tax Roll from Mark Constantino (PID 060800-386.12-9-25); and

WHEREAS, the 2016 Tax Roll had placed a tax liability on the parcel for \$3,064.06, and

JOURNAL OF PROCEEDINGS

WHEREAS, the Director of Real Property Tax Services has determined the property was inadvertently placed on the 2016 Tax Roll, and hereby recommends approval of the RP-554 Application for Correction based upon investigation of same, and

WHEREAS, in accordance with Res. 4-17 the amount of the correction exceeds \$2,500, be it further

RESOLVED, That the Director of Real Property Tax Services is hereby authorized to correct the 2016 Tax Roll.

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

Unanimously Adopted – February 22, 2017

RES. NO. 37-17
Amend Budget for CS Fund

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

WHEREAS, Resolution 161-16 authorized the settlement of a liability claim; and

WHEREAS, the refunding was not budgeted in the 2016 budget; and

WHEREAS, the resolution approved the payment of \$100,000 to be paid out of the County's Liability and Casualty Reserve Fund, however it did not direct or authorize a budget adjustment; now therefore be it

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

INCREASE THE USE OF FUND BALANCE:

CS.863.0000	Fund Bal., Reserved Fund Balance – Ins Res	\$100,000
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RESOLVED, That the Director of Finance is hereby directed and authorized to make the following budgetary changes to the 2016 Budget:

INCREASE APPROPRIATION ACCOUNT:

CS .1930.4	Contractual – Judgments and Claims	\$100,000
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 38-17
Amend 2016 Budget for MS Fund

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

REGULAR SESSIONS

WHEREAS, the Workers' Compensation rolls expense is projected to exceed the 2016 budget; and

WHEREAS, the Refunds from prior years' revenues is projected to exceed the 2016 budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

MS.1720.4	Contractual – Benefits & Awards	\$10,895
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INCREASE REVENUE ACCOUNT:

MS.1720.9999.R.270.1000	Refunds: Prior Yr Exp	\$10,895
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 39-17
2016 Hazardous Materials (Hazmat) Grant Program

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

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2016 Hazmat Grant Program which runs from September 1, 2016 through August 31, 2019; and

WHEREAS, the 2016 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from the counties of Chautauqua, Cattaraugus, and Allegany, and the Seneca Nation of Indians; and

WHEREAS, Resolution 248-16 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.4	Contractual – Hazardous Materials	\$28,853
A.3640.1	Personnel Services – Hazardous Materials	\$ 4,700
		\$33,553

INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$33,553
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Signed: Wendel, Bankoski, Tarbrake, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 40-17

Fiscal Year 2016 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

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

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$15,516.00 under the FY 2016 Hazardous Material Emergency Preparedness (HMEP) Grant Program, and funding is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

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

WHEREAS, the grant period runs from September 30, 2016 through September 30, 2017, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2017 budget year, now therefore be it

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

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual – Hazardous Materials	\$15,516
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INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$15,516
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Signed: Wendel, Bankoski, Tarbrake, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 41-17

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2015 to December 31, 2017

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$539,838.00, for the operational period of January 1, 2015 through December 31, 2017; and

REGULAR SESSIONS

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2015 through December 31, 2017, in the amount of \$539,838.00, or as amended; and be it further

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

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

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

Unanimously Adopted – February 22, 2017

RES. NO. 42-17

Authorizing Transfer of Oak Hill Tower and Shelter from American Tower to County

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS American Towers, Inc. ("American Tower") and Chautauqua County ("County") entered into a Lease Agreement dated April 20, 2008, (the "Lease"), for the County to lease space on the American Tower-owned tower located at Oak Hill Road in the Town of Carroll (Tax Parcel No. 424.00-2-27) (the "Property"); and

WHEREAS, American Tower desires to cease operation and abandon ownership of said tower; and

WHEREAS, in lieu of dismantling the tower, American Towers has agreed to sell the tower and shelter to County for One Dollar (\$1.00); and

WHEREAS, it is desirable for County to acquire the tower and shelter for the 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 documentation approving and authorizing the sale and transfer of the tower and shelter to County.

Signed: Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 43-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased
Secure Detention Costs

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

WHEREAS, 2016 expenditures for secure detention are now projected to be in excess of the budgeted amount due to an increase in the rate charged by the East Ferry (Erie County) Detention Center; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6123.4	Contractual – Juvenile Delinquent Care	\$75,100
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual- Social Services Admin	\$75,100
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Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 44-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased
Accounting & Related Services Costs

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

WHEREAS, the Department of Health & Human Services 2016 expenditures for accounting and related services are now projected to be in excess of the budgeted amount due to prior year under accruals for State chargebacks for the Client Notice subsystem of WMS; and

WHEREAS, 2016 contractual expenditures for Medicaid are now projected to be in excess of the budgeted amount due to the recording of the County's eFMAP liability; and

WHEREAS, the Department of Health & Human Services 2016 expenditures for Safety Net are now projected to be lower than the budgeted amount; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual – Social Services Admin	\$220,000
A.6100.----.4	Contractual – Medicaid	\$ 41,850

REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual – Safety Net	\$261,850
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Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 45-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Handicapped Preschool Education Tuition Costs

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

WHEREAS, 2016 expenditures for handicapped preschool tuition are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special Education Program, new contracts, and increased reliance upon services provided outside Chautauqua County; and

WHEREAS, 2015 Medicaid chargebacks for preschool services were not accrued into 2015, causing 2016 expenditures for handicapped preschool tuition to be in excess of the budgeted amount by approximately \$150,000; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, expenditures for handicapped preschool tuition, with the exception of Medicaid chargebacks, are funded at 59.5% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.2960.TUIT.4	Contractual--Tuition	\$380,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual--Social Services Administration	\$243,150
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INCREASE REVENUE ACCOUNT:

A.2960.4410 R327.7000	Ed Handicapped Children	\$136,850
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Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 46-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Child Care (Foster/Institutional) Costs

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

JOURNAL OF PROCEEDINGS

WHEREAS, 2016 expenditures for Foster and Institutional Child Care are now projected to be in excess of the budgeted amount; and

WHEREAS, 2016 contractual expenditures for Safety Net are now projected to be lower than the budgeted amount; and

WHEREAS, Foster and Institutional Child Care costs are funded at an average of 38% by Federal funding and 23% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.6119.----.4	Contractual –Child Care (Foster/Institutional)	\$300,000
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DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual- Safety Net	\$117,000
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INCREASE REVENUE ACCOUNTS:

A.6119.R361.9000	NYS Aid - Child Care	\$ 69,000
A.6119.R461.9000	Federal Aid - Child Care	<u>\$114,000</u>
		<u>\$183,000</u>

Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 47-17

Accept Grant Funding from New York State Empire State's Development Market New York Program to Market County Overland Trails

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

WHEREAS, in 1976, Chautauqua County financed the initial construction of the Fred J. Cusimano Westside Overland Trail and the Earl Cardot Eastside Overland Trail ("The Overland Trails"); and

WHEREAS, the *Chautauqua County Greenway Plan* seeks to capitalize on the County's natural assets by making the County a "four season destination for outdoor active living, nurtured by public/private partnerships" in order to grow the economy and improve the quality of life for its visitors and residents; and

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

WHEREAS, the County, along with the Chautauqua County Visitors Bureau ("CCVB"), applied for and was awarded a \$16,945 grant (CFA # 66166) from New York State's Empire State

REGULAR SESSIONS

Development ("NYSESD") Market New York program to advertise and market the Overland Trails; and

WHEREAS, the cost of the project is estimated to be \$22,945, and shall be funded 74% from the NYSESD Market New York program with the remaining costs from local sources; and

WHEREAS, the CCVB has pledged \$3,000 of the required local match of \$6,000; and

WHEREAS, the County is responsible for the other \$3,000 of the required local match, which is to be appropriated in 2017 from the Reserve for Occupancy Tax because the unused portion of 2016 Occupancy Tax funds for trail establishment and development in Chautauqua County, set aside annually by Resolution 94-13, will be returned to the reserve at the end of 2016; and

WHEREAS, the County is required to officially accept the NYSESD Market New York program grant funding and establish the revenue and expense accounts; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the NYSESD Market New York program grant funding and execute all agreements necessary to implement said funding; and be it further

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

INCREASE THE USE OF FUND BALANCE:

A.883.0000	Fund Balance – Reserve for Occupancy Tax	\$ 3,000
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4	Overland Trail Marketing Program	\$22,945
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INCREASE REVENUE ACCOUNTS:

A.6420.R371.5000	NYS Aid: Tourism Promotion	\$16,945
A.6420.R208.9000	Other Culture & Recreation Income	\$ 3,000

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

Unanimously Adopted – February 22, 2017

RES. NO. 48-17

Authorizing Public Hearing for New York State Office of Community Renewal Community Development Block Grant Application

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

WHEREAS, the Chautauqua County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal ("OCR") for funding to support the expansion within the cheese production facility located at 5151 Fairbanks Road, Ashville, New York, by Castelli America; and

JOURNAL OF PROCEEDINGS

WHEREAS, a public hearing is required pursuant to 24 CFR §§570.431 and 570.486 to provide information to the public and to consider citizen comments regarding community needs and the expansion plan proposal prior to submitting an application to OCR for CDBG funding; therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on March 22, 2017, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as approved by the Chautauqua County Law Department.

Signed: Chagnon, Odell, Starks, Niebel

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford to table. -
Unanimously Carried

TABLED – February 22, 2017

RES. NO. 49-17

Amend 2016 Budget for Year-End Reconciliation – Department of Public Facilities – CARTS

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

WHEREAS, some DPF department - CARTS division expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.5630.5625.1	Personal Services—CARTS	\$68,395
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DECREASE APPROPRIATION ACCOUNT:

A.5630.5625.4	Contractual—CARTS	\$68,395
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 50-17

Amend 2016 Budget for Year-End Reconciliation – Department of Public Facilities – Transportation
Division

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

REGULAR SESSIONS

WHEREAS, some Public Facilities Department, Transportation Division expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

D.5110.----.1	Personal Services—Maintenance of Roads	\$ 20,793
D.5110.----.5	Fixed Contractual—Maintenance of Roads	\$ 21
D.5142.----.4	Contractual—Snow Removal: County Roads	<u>\$715,693</u>
		\$736,507

DECREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual—Maintenance of Roads	\$352,935
D.5110.----.8	Employee Benefits—Maintenance of Roads	<u>\$383,572</u>
		\$736,507

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

Unanimously Adopted – February 22, 2017

RES. NO. 51-17

Amend 2016 Budget for Year-End Reconciliation – Department of Public Facilities – Road Machinery

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

WHEREAS, some Public Facilities Department, Road Machinery expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

DM.5130.----.1	Personal Services—Road Machinery	\$ 9,080
DM.5130.----.5	Fixed Contractual—Road Machinery	<u>\$ 3,112</u>
		\$12,192

DECREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual—Road Machinery	\$12,192
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 52-17

Amend 2016 Budget for Year-End Reconciliations – Public Facilities - Parks & Forestry

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

WHEREAS, some Public Facilities Parks and Forestry department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

JOURNAL OF PROCEEDINGS

WHEREAS, the Public Facilities Forestry department has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.7110.----.1	Personal Services-Parks	\$ 6,006
A.7110. ---.5	Fixed Contractual-Parks	\$ 302
A.8730.----.4	Contractual-Forestry	<u>\$ 793</u>
	Total	\$ 7,101

DECREASE APPROPRIATION ACCOUNTS:

A.7110.----.8	Employee Benefits-Parks	\$ 6,006
A.7110.----.4	Contractual-Parks	<u>\$ 302</u>
	Total	\$ 6,308

INCREASE REVENUE ACCOUNT:

A.8730.R245.0000	Commissions-Forestry	<u>\$ 793</u>
	Total	\$ 793

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello
Unanimously Adopted – February 22, 2017

RES. NO. 53-17

Amend 2016 Budget for Year-End Reconciliations –Buildings & Grounds

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

WHEREAS, some DPF Buildings & Grounds expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; and

WHEREAS, the DPF Buildings & Grounds budget included funds for the amortization of a new pick-up truck but was missed in Exhibit E of the Capital Budget, therefore be it

RESOLVED, That the total amount for Vehicles in Exhibits E and E1 be increased by \$32,000 to \$704,836, and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1620.----.1	Personal Services – B & G	\$ 3,616
A.1620.5020.4	Contractual – B & G Hall R. Clothier Building	\$27,990
A.1620.5080.4	Contractual – B & G Jail	\$13,022
A.1620.6090.4	Contractual – B & G DMV Jamestown	\$ 436
A.1620.7030.5	Fixed Contractual – B & G Fifth Street Jamestown	<u>\$ 2</u>
	Total	\$45,066

DECREASE APPROPRIATION ACCOUNT:

A.1620.----.8	Employee Benefits – B & G	<u>\$45,066</u>
	Total	\$45,066

REGULAR SESSIONS

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

Unanimously Adopted – February 22, 2017

RES. NO. 54-17

Amend 2016 Budget for Year-End Reconciliations – Landfill Environment

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

WHEREAS, some Landfill Environmental division expenses have exceeded initial budgetary estimates, and an appropriation account has a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services	Landfill-Environment-Landfill	\$5,922
EL.8160.6000.1	Personal Services	Landfill-Environment-Closed Landfill	\$9,599
EL.8160.6000.8	Employee Benefits	Landfill-Environment-Closed Landfill	\$1,086
EL.8160.7000.1	Personal Services	Landfill-Environment-Recycling	\$67,740
EL.8160.7000.8	Employee Benefits	Landfill-Environment-Recycling	<u>\$45,994</u>
		Total	\$130,341

DECREASE APPROPRIATION ACCOUNT:

EL.8160.1000.8	Employee Benefits	Landfill-Environment-Landfill	<u>\$130,341</u>
		Total	\$130,341

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

MOVED by Legislator Wendel, SECONDED by Legislator Wilfong to amend accounts indicated in bold

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services	Landfill-Environment-Landfill	\$21,106
EL.8160.6000.1	Personal Services	Landfill-Environment-Closed Landfill	\$ 9,599
EL.8160.6000.8	Employee Benefits	Landfill-Environment-Closed Landfill	\$ 1,086
EL.8160.7000.1	Personal Services	Landfill-Environment-Recycling	\$67,740
EL.8160.7000.8	Employee Benefits	Landfill-Environment-Recycling	<u>\$45,994</u>
		Total	\$145,525

DECREASE APPROPRIATION ACCOUNT:

EL.8160.1000.8	Employee Benefits	Landfill-Environment-Landfill	\$145,525
		Total	\$145,525

Unanimously Adopted as amended – February 22, 2017

RES. NO. 55-17

Amend 2016 Budget for Year-End Reconciliations – Water Fund (EW)

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

JOURNAL OF PROCEEDINGS

WHEREAS, some Water Fund expenses have exceeded initial budgetary estimates, and an appropriation account has a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EW.8310.----.1	Personal Services – North County Ind. Water District #1	\$ 2
EW.8310.----.4	Contractual – North County Ind. Water District #1	<u>\$3,580</u>
	Total	<u>\$3,582</u>

DECREASE APPROPRIATION ACCOUNT:

EW.9710.----.6	Principal – Debt Service/Serial Bonds	\$3,582
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 56-17

Amend 2016 Budget for Year-End Reconciliations – North Chautauqua Lake Sewer District

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

WHEREAS, some North Chautauqua Lake Sewer District expenses have exceeded initial budgetary estimates, and an appropriation account has a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services Administration	\$1,412
ESN.8110.8112.8	Employee Benefits Administration	\$1,275
ESN.8120.8122.1	Personal Services Sanitary Sewers	\$4,123
ESN.8120.8122.4	Contractual Sanitary Sewers	\$9,962
ESN.8130.8132.1	Personal Services Sewage Treatment	\$2,822
ESN.8130.8132.4	Contractual Sewage Treatment	\$2,659
ESN.8130.8132.5	Fixed Contractual Sewage Treatment	<u>\$ 79</u>
	Total	\$22,332

DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.3	Depreciable Equipment – Sanitary Sewers	\$22,332
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

MOVED by Legislator Tarbrake, SECONDED by Legislator Wendel to amend accounts indicated by bold

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services Administration	\$7,613
ESN.8110.8112.8	Employee Benefits Administration	\$1,275
ESN.8120.8122.1	Personal Services Sanitary Sewers	\$4,812
ESN.8120.8122.4	Contractual Sanitary Sewers	\$9,962

REGULAR SESSIONS

ESN.8130.8132.1	Personal Services Sewage Treatment	\$2,822
ESN.8130.8132.4	Contractual Sewage Treatment	\$2,659
ESN.8130.8132.5	Fixed Contractual Sewage Treatment	\$ 79
	Total	\$29,222

DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.3	Depreciable Equipment – Sanitary Sewers	\$29,222
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Unanimously Adopted as amended – February 22, 2017

RES. NO. 57-17

Amend 2016 Budget for Year-End Reconciliations – South & Center Chautauqua Lake Sewer Districts

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

WHEREAS, some South & Center Chautauqua Lake Sewer Districts department expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESS.8110.----.1	Personal Services—South Chaut. Lake Swr—Administration	\$ 6,926
ESS.8130.----.1	Personal Services—South Chaut. Lake Swr—Sewage Treatment	\$ 7,310
ESS.8130.----.5	Fixed Contractual--South Chaut. Lake Swr—Sewage Treatment	\$ 321
		\$14,557

DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4	Contractual—South Chautauqua Lake Swr—Sewage Treatment	\$14,557
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski to amend indicated in bold

INCREASE APPROPRIATION ACCOUNTS:

ESS.8110.----.1	Personal Services—South Chautauqua Lake Swr—Admin.	\$ 6,926
ESS.8130.----.1	Personal Services-South Chaut. Lake Swr-Sewage Treatment	\$ 8,414
ESS.8130.----.5	Fixed Contractual--South Chaut. Lake Swr—Sewage Treatment	\$ 321
		\$15,661

DECREASE APPROPRIATION ACCOUNT:

ESS.8130.----.4	Contractual-South Chaut, Lake Swr-Sewage Treatment	\$15,661
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Unanimously Adopted as amended – February 22, 2017

RES. NO. 58-17

Amend 2016 Budget for Year-End Reconciliations –Portland-Pomfret-Dunkirk Sewer Districts

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

JOURNAL OF PROCEEDINGS

WHEREAS, some Portland Pomfret Dunkirk Sewer District expenses have exceeded initial budgetary estimates, and an appropriation account has a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESP.8110.8114.5	Fixed Contractual	Administration	\$ 1,240
ESP.8120.8124.4	Contractual	Sanitary Sewers	\$16,835
ESP.8120.8124.5	Fixed Contractual	Sanitary Sewers	\$ 5
ESP.8130.8134.4	Contractual	Sewage Treatment	<u>\$ 7,512</u>
		Total	\$25,592

DECREASE APPROPRIATION ACCOUNT:

ESP.8120.8124.3	Depreciable Equipment - Sanitary Sewers	\$25,592
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 59-17

Amend 2016 Budget for Year-End Reconciliations –Board of Elections

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

WHEREAS, some Board of Elections department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Board of Elections has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1450.----.1	Personal Services - Board of Elections	\$25,305
A.1450.----.5	Fixed Contractual – Board of Elections	<u>\$ 1,654</u>
		\$26,959

DECREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual – Board of Elections	\$14,978
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INCREASE REVENUE ACCOUNT:

A.1450.R.221.5000	Shared Services – Board of Elections	\$11,981
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

REGULAR SESSIONS

RES. NO. 60-17
Amend 2016 Budget for Year-End Reconciliations – Law Department

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

WHEREAS, some Law Department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Law Department has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1420.----.1	Personal Services – County Attorney	\$4,255
A.1420 .----.4	Contractual – County Attorney	<u>\$4,548</u>
		\$8,803

DECREASE APPROPRIATION ACCOUNT:

A.1420.----.8	Employee Benefits – County Attorney	\$6,303
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INCREASE REVENUE ACCOUNT:

A.1420.R126.5000	Departmental Income - Fees: Attorney	\$2,500
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 61-17
Amend 2016 Budget for Year-End Reconciliations – County Clerk

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.1410.1411.1	Personal Services—Department of Motor Vehicles	\$16,944
A.1410.1411.5	Fixed Contractual--Department of Motor Vehicles	\$ 990
A.6610.----.1	Personal Services—Weights & Measures	\$ 3,041
A.6610.----.5	Fixed Contractual—Weights & Measures	\$ 1,497
A.7510.----.5	Fixed Contractual—Historian	<u>\$ 7</u>
		\$22,479

JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNTS:

A.1410.1411.8	Employee Benefits—Department of Motor Vehicles	\$17,934
A.6610.----.8	Employee Benefits—Weights & Measures	\$ 4,538
A.7510.----.4	Contractual—Historian	<u> 7</u>
		\$22,479

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

Unanimously Adopted – February 22, 2017

RES. NO. 62-17

Amend 2016 Budget for Year-End Reconciliations – Information Technology Services

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, some Information Technology Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Information Technology Services department has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services – Office Services	\$ 6,541
A.1670.----.4	Contractual – Print Shop	\$27,026
A.1680.----.1	Personal Services – Info Technology	\$13,911
A.1680.----.8	Employee Benefits – Info Technology	\$ 758
A.1680.GIS.----.1	Personal Services – Info Tech – GIS	<u> 211</u>
		\$48,447

DECREASE APPROPRIATION ACCOUNTS:

A.1610.----.4	Contractual – Office Services	\$ 6,541
A.1680.----.4	Contractual – Info Technology	\$14,669
A.1680.GIS.----.4	Contractual – Info Tech – GIS	<u> 211</u>
		\$21,421

INCREASE REVENUE ACCOUNT:

A.1670.R221.0002	Shared Services – Print Shop	<u>\$27,026</u>
		\$27,026

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

MOVED by Legislator Wendel, SECONDED by Legislator Nazzaro to amend indicated in bold

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services – Office Services	\$ 6,541
A.1670.----.4	Contractual – Print Shop	\$27,091

REGULAR SESSIONS

A.1680.----.1	Personal Services – Info Technology	\$13,911
A.1680.----.8	Employee Benefits – Info Technology	\$ 758
A.1680.GIS.----.1	Personal Services – Info Tech – GIS	<u>\$ 211</u>
		\$48,512

DECREASE APPROPRIATION ACCOUNTS:

A.1610.----.4	Contractual – Office Services	\$ 6,541
A.1680.----.4	Contractual – Info Technology	\$14,669
A.1680.GIS.----.4	Contractual – Info Tech – GIS	<u>\$ 211</u>
		\$21,421

INCREASE REVENUE ACCOUNT:

A.1670.R221.0002	Shared Services – Print Shop	<u>\$27,091</u>
		\$27,091

Unanimously Adopted as amended– February 22, 2017

RES. NO. 63-17

Amend 2016 Budget for Year-End Reconciliations – Office of the County Executive

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

WHEREAS, some Office of the County Executive expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.1	Personal Services—County Executive	\$3,166
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DECREASE APPROPRIATION ACCOUNTS:

A.1230.----.4	Contractual—County Executive	\$ 564
A.1230.----.5	Fixed Contractual—County Executive	\$1,598
A.1230.----.8	Employee Benefits—County Executive	<u>\$1,004</u>
		\$3,166

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

Unanimously Adopted – February 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 64-17

Amend 2016 Budget for Year-End Reconciliations – Department of Finance - Real Property Tax

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

WHEREAS, some Department of Finance—Real Property Tax department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1330.----.1	Personal Services—Real Property Tax	\$ 8,320
A.1330.----.4	Contractual—Real Property Tax	<u>\$ 2,292</u>
		\$10,612

DECREASE APPROPRIATION ACCOUNT:

A.1330.----.8	Employee Benefits—Real Property Tax	\$10,612
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 65-17

Amend 2016 Budget for Year-End Reconciliations – Insurance Fund (M Fund)

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

WHEREAS, some Insurance Fund (M Fund) expenses have exceeded initial budgetary estimates; and

WHEREAS, the increased cost in the M Fund will be offset by reconciliation adjustment to the health insurance surcharge accounts; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

M.1930.----.4	Contractual – Judgements and Claims	\$355,000
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INCREASE REVENUE ACCOUNT:

M.1930.R270.9096	Departmental Income - M Fund Surcharge	\$355,000
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello

Unanimously Adopted – February 22, 2017

REGULAR SESSIONS

RES. NO. 66-17

Amend 2016 Budget for Year-End Reconciliations – Emergency Services

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.3625.----.1	Personal Services-Technical Rescue Team	\$ 128
A.3625.----.8	Employee Benefits-Technical Rescue Team	\$ 108
A.3989.----.1	Personal Services-Emergency Medical Service	\$25,720
A.3989.----.5	Fixed Contractual-Emergency Medical Services	<u>\$ 925</u>
		\$26,881

DECREASE APPROPRIATION ACCOUNTS:

A.3010.----.4	Contractual-Emergency Services	\$16,000
A.3625.----.4	Contractual-Technical Rescue Team	\$ 236
A.3640.----.4	Contractual-Hazardous Materials	\$ 2,445
A.3989.----.4	Contractual-Emergency Medical Service	<u>\$ 8,200</u>
		\$26,881

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

Unanimously Adopted – February 22, 2017

RES. NO. 67-17

Amend 2016 Budget for Year-End Reconciliations – Public Defender

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

WHEREAS, some Office of the Public Defender department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Office of the Public Defender has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1170.----.4	Contractual – Public Defender	\$ 9,667
A.1170.1172.1	Personal Services – Aid To Defense	\$ 17
A.1170.1174.1	Personal Services – Alt to Incarceration	\$ 599
A.1170.1174.----.4	Contractual – Alt to Incarceration	<u>\$ 7</u>
	Total	\$10,290

JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNT:

A.1170.----.8	Employee Benefits – Public Defender	<u>\$10,290</u>
	Total	\$10,290

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

Unanimously Adopted – February 22, 2017

RES. NO. 68-17

Amend 2016 Budget for Year-End Reconciliations – Probation

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

WHEREAS, some Probation department expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3140.----.1	Personal Services—Probation	\$45,094
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DECREASE APPROPRIATION ACCOUNT:

A.3140.----.8	Employee Benefits—Probation	\$45,094
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Signed: Wendel, Bankoski, Tarbrake, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 69-17

Amend 2016 Budget for Year-End Reconciliations – Sheriff

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

WHEREAS, some Sheriff department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Sheriff department has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A	3020	DISP	.1	Personal Services	Consolidated Dispatch	\$3,976
A	3020	PSCN	.1	Personal Services	Pub Sfty Communications	\$4,016
A	3110		.3	Depreciable Equipment	Sheriff	\$18,220

REGULAR SESSIONS

A	3110		.4	Contractual	Sheriff	\$34,562
A	3110	3114	.1	Personal Services	Pistol Permit	\$978
A	3150		.1	Personal Services	Jail	\$743,055
A	3150		.4	Contractual	Jail	\$52,821
A	3189	3111	.3	Depreciable Equipment	Navigation	\$32,284
A	3189	3111	.8	Employee Benefits	Navigation	\$8,667
A	3189	3112	.1	Personal Services	Snowmobile	\$664
A	3189	3112	.5	Fixed Contractual	Snowmobile	\$69
A	3189	MEDI	.1	Personal Services	Medi-Vac	\$7,570
A	3189	MEDI	.5	Fixed Contractual	Medi-Vac	\$18
A	3315		.1	Personal Services	STOP DWI	\$6,854
Total						\$913,754

DECREASE APPROPRIATION ACCOUNTS:

A	3020	DISP	.4	Contractual	Consolidated Dispatch	\$1,062
A	3020	DISP	.5	Fixed Contractual	Consolidated Dispatch	\$39
A	3020	DISP	.8	Employee Benefits	Consolidated Dispatch	\$25,813
A	3020	PSCN	.4	Contractual	Pub Sfty Communications	\$852
A	3020	PSCN	.5	Fixed Contractual	Pub Sfty Communications	\$5
A	3020	PSCN	.8	Employee Benefits	Pub Sfty Communications	\$1,607
A	3020	TECH	.1	Personal Services	Technical Services	\$37,669
A	3020	TECH	.4	Contractual	Technical Services	\$1,177
A	3020	TECH	.5	Fixed Contractual	Technical Services	\$443
A	3020	TECH	.8	Employee Benefits	Technical Services	\$18,091
A	3110		.1	Personal Services	Sheriff	\$11,618
A	3110		.2	Equipment	Sheriff	\$4,220
A	3110		.5	Fixed Contractual	Sheriff	\$624
A	3110		.8	Employee Benefits	Sheriff	\$104,744
A	3110	3114	.4	Contractual	Pistol Permit	\$465
A	3110	3114	.5	Fixed Contractual	Pistol Permit	\$111
A	3110	3114	.8	Employee Benefits	Pistol Permit	\$1,468
A	3150		.5	Fixed Contractual	Jail	\$14,781

JOURNAL OF PROCEEDINGS

A	3150		.8	Employee Benefits	Jail	\$40,260
A	3189	3111	.1	Personal Services	Navigation	\$8,030
A	3189	3111	.4	Contractual	Navigation	\$9,820
A	3189	3111	.5	Fixed Contractual	Navigation	\$73
A	3189	3112	.4	Contractual	Snowmobile	\$2,908
A	3189	3112	.8	Employee Benefits	Snowmobile	\$15,855
A	3189	MEDI	.4	Contractual	Medi-Vac	\$6,731
A	3189	MEDI	.8	Employee Benefits	Medi-Vac	\$23,134
A	3315		.4	Contractual	STOP DWI	\$223
A	3315		.4	Fixed Contractual	STOP DWI	\$175
A	3315		.8	Employee Benefits	STOP DWI	\$21,435
A	4230	3113	.8	Employee Benefits	So Tier Drug Task Force	\$226
A	2490		.4	Contractual	Community College Tuition	\$364,526
A	4320		.8	Employee Benefits	Mental Hygiene Programs	\$79,524
Total						\$797,709

INCREASE REVENUE ACCOUNTS:

A	3020	DISP	R338	9002	Oth Publ Safty: Dispatch Grant	\$6,323
A	3020	DISP	R277	0000	Other Unclassified Rev	\$3,111
A	3110		R268	0000	Insurance Recoveries	\$4,751
A	3110		R226	0001	Chrgs: Oth Gov--JCC Reimb	\$22,301
A	3110		R266	5000	Sale of Equipment	\$6,050
A	3110	3114	R254	5000	Licenses	\$10,486
A	3150		R159	9012	Other Public Safety Income Communication	\$10,000
A	3150		R270	5000	Gifts & Donations	\$500
A	3150		R277	0000	Other Unclassified Rev	\$13,457
A	3150		R438	9001	St Criminal Alien Assist	\$2,051
A	3189	3111	R266	5000	Sale of Equipment	\$15,000
A	3189	3111	R331	5000	Navigation Law Enforcement	\$22,015
Total						\$116,045

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

Unanimously Adopted – February 22, 2017

REGULAR SESSIONS

RES. NO. 70-17

Amend 2016 Budget for Year-End Reconciliations – District Attorney's Office

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

WHEREAS, some of the Office of the District Attorney department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1165.----.8	Employee Benefits – District Attorney	\$7,636
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DECREASE APPROPRIATION ACCOUNT:

A.1165.----.4	Contractual – District Attorney	\$7,636
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Signed: Wendel, Bankoski, Tarbrake, Niebel, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 71-17

Amend 2016 Budget for Year-End Reconciliations – Office for the Aging

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

WHEREAS, some Office for the Aging department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.6722.----.4	Contractual—Office for the Aging	\$17,386
A.6722.----.5	Fixed Contractual—Office for the Aging	\$ 1,077
		\$18,463

DECREASE APPROPRIATION ACCOUNT:

A.6722.----.1	Personal Services—Office for the Aging	\$18,463
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Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 72-17

Amend 2016 Budget for Year-End Reconciliations – Department of Health & Human Services

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services - Public Health Admin – Nursing	\$ 78,280
A.4025.1	Personal Services – Laboratories	\$ 997
A.4025.8	Employee Benefits – Laboratories	\$ 1,371
A.4059.1	Personal Services - Early Intervention Program	\$ 12,772
A.4090.1	Personal Services – Environmental Health	\$ 51,724
A.6010.1	Personal Services – Social Services Admin	\$ 20,545
A.6141.8	Employee Benefits – Home Energy Assist Prog	\$ 880
A.7020.1	Personal Services – Youth Bureau	<u>\$ 3,857</u>
		\$170,426

DECREASE APPROPRIATION ACCOUNTS:

A.4010.1	Personal Services – Public Health Admin	\$ 7,089
A.4010.8	Employee Benefits – Public Health Admin	\$ 66,000
A.4010.Nurs.8	Employee Benefits – Public Health Admin-Nursing	\$ 11,500
A.2960.Admn.1	Personal Services – Educ: Handicapped Children	\$ 3,645
A.2960.Admn.8	Employee Benefits – Educ: Handicapped Children	\$ 1,046
A.4059.8	Employee Benefits – Early Intervention Prog Admin	\$ 7,045
A.4090.8	Employee Benefits – Environmental Health	\$ 44,526
A.4189.Lead.1	Personal Services – Other Pub Health Progs - Lead Test	\$ 4,293
A.6010.8	Employee Benefits – Social Services Admin	\$ 21,184
A.6141.1	Personal Services – Home Energy Assist Prog	\$ 880
A.7020.8	Employee Benefits – Youth Bureau	<u>\$ 3,218</u>
		\$170,426

Signed: Tarbrake, Rankin, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – February 22, 2017

RES. NO. 73-17

Amend 2016 Budget for Year-End Reconciliation – Unified Court Costs

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Unified Courts - Assigned Counsel	\$296,360
A.1162.1125.4	Contractual - Unified Courts - Child Custody	\$4,919

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A.1162.1180.4	Contractual - Unified Courts - Justices & Constables	<u>\$3,590</u>
	Total	\$304,869

DECREASE APPROPRIATION ACCOUNTS:

A.2490.----.4	Contractual - Community College Tuition	\$88,000
A.1310.----.1	Personal Services - Finance	\$12,000
A.1310.----.8	Employee Benefits - Finance	\$40,000
A.1310.----.5	Fixed Contractual - Finance	\$6,869
A.1330.----.8	Employee Benefits - Real Property Tax	\$18,000
A.1355.----.4	Contractual - Tax Assessment	\$60,000
A.1362.----.4	Contractual - Tax Advertising & Expense	\$34,000
A.1364.----.4	Contractual - Exp: Property Acquired - Tax	\$16,000
A.1710.----.1	Personal Services - Insurance Administration	\$10,000
A.1710.----.8	Employee Benefits - Insurance Administration	<u>\$20,000</u>
	Total	\$304,869

Signed: Chagnon, Nazzaro, Muldowney, Borrello

Moved by Legislator Tarbrake, SECONDED by Legislator Bankoski to amend as indicated in bold.INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Unified Courts - Assigned Counsel	\$335,793
A.1162.1125.4	Contractual - Unified Courts - Child Custody	\$4,919
A.1162.1180.4	Contractual - Unified Courts - Justices & Constables	<u>\$3,590</u>
	- Total	\$344,302

DECREASE APPROPRIATION ACCOUNTS:

<u>A.2490.----.4</u>	Contractual - Community College Tuition	\$88,000
A.1310.----.1	Personal Services - Finance	\$13,998
A.1310.----.8	Employee Benefits - Finance	\$43,166
A.1310.----.5	Fixed Contractual - Finance	\$10,559
A.1330.----.8	Employee Benefits - Real Property Tax	\$18,000
A.1355.----.4	Contractual - Tax Assessment	\$60,000
A.1362.----.4	Contractual - Tax Advertising & Expense	\$34,000
A.1364.----.4	Contractual - Exp: Property Acquired - Tax	\$16,000
A.1710.----.1	Personal Services - Insurance Administration	\$13,924
A.1710.----.8	Employee Benefits - Insurance Administration	\$24,518
A.1710.----.4	Contractual - Insurance Administration	\$4,489
A.1310.----.3	Depreciable Equipment - Finance	\$3,000
A.1310.----.4	Contractual - Finance	<u>\$14,648</u>
	- Total	\$344,302

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Unanimously Adopted – February 22, 2017

RES. NO. 74-17

Determining that it is in the Public Interest to Modify the Map and Plan for the Increase & Improvement of Facilities for Phosphorus Removal and Other Upgrades to 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 102-15, adopted after a public hearing held pursuant to County Law § 268 on May 27, 2015, the Chautauqua County Legislature found and determined that it was in the public interest to construct improvements for phosphorous removal at the treatment plant of the North Chautauqua Lake Sewer District (hereinafter referred to as the "District") at a maximum cost of Two Million Eight Hundred Thousand Dollars (\$2,800,000), and by Order dated September 18, 2015, the Comptroller of the State of New York granted permission to the County and District to construct said improvements for said maximum amount; and

WHEREAS, subsequent to the adoption of Resolution 102-15, the New York State Department of Environmental Conservation (NYSDEC) issued a new State Pollutant Discharge Elimination System (SPDES) permit to the District identifying major revision to the limits for Total Residual Chlorine (TRC), which necessitates changes to the project scope design of the improvements to address the revised TRC limit; and

WHEREAS, also subsequent to the adoption of Resolution 102-15, the District has further identified a need for: (1) replacement of the existing emergency generator with a unit that can serve the entire treatment plant facility including the proposed improvements for phosphorous removal; (2) replacement of the existing original mechanical bar screen at the treatment plant; and (3) milling and repaving of the roadway at the treatment plant; and

WHEREAS, also subsequent to the adoption of Resolution 102-15, the District applied for and received a hardship funding award through the New York State Environmental Facilities Corporation (EFC) which will allow the District to receive interest-free financing for a term of up to thirty (30) years for the improvements to be constructed; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature received from the District Board a modified Map and Plan entitled "Basis of Design Report – North Chautauqua Lake Sewer District WWTP Phosphorous Compliance Upgrades," dated January 10, 2017, (hereinafter referred to as the "Map and Plan") prepared by O'Brien & Gere Engineers, Inc., 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 §253-b and §268; and

WHEREAS, pursuant to Resolution 11-17, 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 February 22, 2017 at 6:45 o'clock P.M. on the question of the adoption of the modified Map and Plan that includes the aforementioned changes to the improvements and financing of the District's treatment plant project for phosphorous removal and other upgrades, and to take such action thereon as is required or authorized by law; and

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WHEREAS, the notice of public hearing authorized pursuant to Resolution 11-17 stated that the maximum estimated annual cost to the typical single family home within the District will be increased by \$88 per year to \$466 per year, instead of the prior proposed increase of \$94 per year to \$472 per year previously approved on May 27, 2015; 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 modified Map and Plan entitled "Basis of Design Report – North Chautauqua Lake Sewer District WWTP Phosphorous Compliance Upgrades," dated January 10, 2017, prepared by O'Brien & Gere Engineers, Inc., and the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct the improvements for phosphorous removal and other upgrades at the treatment plant of the District as described in the preambles hereof at a maximum cost of Three Million Nine Hundred Seventy-Two Thousand Seven Hundred Dollars (\$3,972,700) 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: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - February 22, 2017

RES. NO. 75-17

A Resolution Authorizing the Issuance of \$3,972,700 Bonds of the County of Chautauqua, New York, to Pay the Cost of the design and Construction of Improvements to the Treatment Plant of the North Chautauqua Lake Sewer District in and for Said County

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

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

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WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; now therefore

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of improvements for phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District to be located in the Village of Mayville, in and for the County of Chautauqua, New York, including installation of a pumping station, tertiary filter building, existing structure upgrades and facilities, furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$3,972,700.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$3,972,700 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The Director of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said County in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution shall supersede Resolution No. 131-16 except to the extent any encumbrances have been made thereunder. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11. 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, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Borrello

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - February 22, 2017

RES. NO. 76-17
Reallocating Salary Grade for Transfer Station Supervisor

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

WHEREAS, the Director of the Department of Public Facilities requested a review of the Transfer Station Supervisor salary grade, and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently being performed by Transfer Station Supervisors and recommended a two (2) grade salary increase, and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade change, and

WHEREAS, the title of Transfer Station Supervisor is currently at salary grade 12, therefore be it

RESOLVED, That the salary grade for Transfer Station Supervisor be set at grade 14 of the CSEA Unit 6300 salary schedule. 2017

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RES. NO. 78-17

Reallocating Salary Grade for Nurse Practitioner (Public Health) and Nurse Practitioner (Mental Health)

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

WHEREAS, the Director of Health and Human Services requested a review of the Nurse Practitioner (Public Health) salary grade, and

WHEREAS, the Human Resource Department determined that the Nurse Practitioner (Mental Health) salary grade must also be considered, and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently being performed by such positions and recommended a three (3) grade salary increase in each case, and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade changes, and

WHEREAS, the titles of Nurse Practitioner (Public Health) and Nurse Practitioner (Mental Health) are currently at salary grade 32, therefore be it

RESOLVED, That salary grade for Nurse Practitioner (Public Health) and Nurse Practitioner (Mental Health) be set at grade 35 of the CSEA Unit 6300 salary schedule.

2017 CSEA Unit 6300 Salary Schedule

Nurse Practitioner (Public Health)	Grade 35 (\$42.92 - \$55.57 per hour) (\$78,114 - \$101,137 per year)
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Nurse Practitioner (Mental Health)	Grade 35 (\$42.92 - \$55.57 per hour) (\$78,114 - \$101,137 per year)
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Note: Current Grade 32 (\$37.70 - \$48.87 per hour)
(\$ 68,778 - \$88,943 per year)

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Tarbrake, Rankin, Lemon, Chagnon, Nazzaro, Borrello

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - February 22, 2017

2nd Privilege of the Floor

My name is Mark Twitchell from Fredonia. To the Chautauqua County Legislators, County Executive, and County officers. I speak as a Director of the Citizens Organization Preservation of Agricultural Land Serenity. I will first read a short statement followed by our request for a resolution. The Organization Preservation of Agricultural Land Serenity intends to document scientific evidence to the effect that the proposed wind farm, the wind farms throughout Chautauqua County and in

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particular the wind farm in the Town of Arkwright will place the health of its citizens and their property values at risk. Pertaining to the Town of Arkwright. An equally unsettling is the organization's opinion that this contract appears to be enabled by an unethical process. The New York State Attorney General informed me on February 1, 2017 that there may be violations in the Code of Ethics of the municipality of Arkwright if any Town board members are voting on wind related matters. In the same communication I learned that the Attorney General does not maintain records of recusals of local officials voting on these developments. The Attorney General has published the names, titles, and financial interests of 10 municipal officers of the Town of Arkwright who hold leases with the developer. When I asked the Attorney General who I could voice my concerns about this apparent conflict of interest, I was informed that this is a matter for local government to address. I'm thankful for the opportunity to attend the public hearing held by the County Executive on February 8th, to discuss the recent amendments to the County's Code of Ethics. The Executive explained to me that the County's Code of Ethics does not pertain to the townships. The appearance of conflict of interest as supplemented by the Attorney General's identification of a significant number of Arkwright board members implies that neither I nor members of the Organization, Preservation of Agricultural Land Serenity nor any citizen of Arkwright can have a voice before that board in matters of the wind farm. Therefore, I bring the organizations concern to this Legislature. Which is hereby informed that the 10 municipal officers will gain from \$3 to \$4 million dollars from the project. The County Industrial Development Agency, while facilitating the project has announced an annual pilot of \$270,000 for the township. It will thus require over 10 years of pilot to equal the financial gain of the 10 public servants. More shameful and costly than the apparent misappropriation of taxpayer and consumer dollars was the very real loss of public confidence in a democratic process. Therefore, I, representing the Preservation of Agricultural Land Serenity respectfully ask this Legislature to adopt a resolution requesting the County Clerk to locate and publish the records of recusal by Arkwright municipal officers on wind farm matters. I also request the privilege of submitting at this time a written proposal resolution to the Clerk of the Legislature. Thank you for your consideration.

Thank you for the opportunity to speak, my name is Fred Bretl. I'm a Chautauqua County resident for the past 35 ½ years all of which has been in the Town of Arkwright. Industrial wind turbine projects should not be allowed to be developed in any residential district. A variety of adverse health effects, of which a growing stream of scientific research is showing that the causative agent being flicker, low frequency noise, and infrasound are paramount in being addressed for the health and safety of the individuals who live in the project areas. The negative effect of birds and bat populations and their mortality is another issue. The impact on protected wetlands and source aquifers, including possible effect on water quality is an issue. The fragmentation of our communities caused by difference of opinions, some citizens are for the project while others are against the industrial wind projects. There is conflicting scientific studies that the average citizen would not be able to understand and the inequitable distribution of economic gain is prevalent in these projects. The economic gain is in the form of pilot programs, money targeted for the school districts and through the lease agreements. There is also an issue of , will a certificate of environmental compatibility and public need clearly reflect the purpose of safeguarding the environment, the health and safety of its citizens, and then also meet the public need and the list goes on. There are many other issues that need to be addressed. So to narrow down one topic for tonight, do industrial wind turbines place in residential district, even agricultural/residential districts, increase or lower property values? I've worked hard, very hard and invested in my dream homestead. A key point of contention against industrial wind projects are that they require much more amounts of land to generate the same amount of electricity as produced by conventional power plants. Wind power is intermittent and industrial turbines typically produce about 20 to 25% efficiency for the conversion of wind to electricity. The industry preferred turbines are approximately 500 feet in height, dwarfing everything in their proximity creating visual intrusions. Industrial wind projects also have impact on human health caused by flicker, low frequency noise, and infrasound. They also impact the environment, including impacts on the water table, wetlands, birds, and bat mortality. Renewable energy and the

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environment are big business and they are subsidized by our government. It surely seems logical enough, anything that would cause a potential buyer to value a property less, lowers its value, Markets are about supply and demand, and all things being equal, would somebody choose to buy a home with an industrial wind turbine nearby? And simply put, it seems impossible to believe that industrial wind turbines would actually add to a property's value.

Several references which indicate that industrial wind turbines lower property values are:

Dr. James A. Chalmers, published in the Appraisal Journal 2012, found that residential properties near transmission lines sold for 20-50% less than comparable residential properties.

Michael McCann of McCann Appraisal, LLC based in Chicago, includes that residential properties values are adversely and measurably impacted by close proximity of industrial wind turbine projects to a range of 35 to 40% of value loss.

John Leonard Goodwin, a real estate broker in Ontario, Canada reports that wind turbines absolutely do impact property values. Turbines complicate/compromise your property enjoyment, period. That alone spells depreciated values.

In 2013, an Ontario Superior Court of Justice determined that landowners living near large wind farms do suffer lower property values at a range of 22-55%. The negative environmental and health impact of the industrialization of the American landscape is a conversation that we must be having and the impact on property values cannot be ignored.

My point of contention is that this is not about NIMBY, not in my back yard, but about the sound, rational and scientific efforts to develop green and renewable sources of energy in a responsible manner that minimizes negative impacts, thereby protecting the environment and citizens.

I ask you to reflect on this information. Look into the issues and thereby educate yourselves and ultimately, share your findings with your peers and constituents and influence legislation that will protect the environment and all the citizens that you serve. Thank you, respectfully Fred Bretl.

My name is Tina Graziano, I live in the Town of Villenova which falls under the Ball Hill wind project which neighbors the Arkwright wind project which neighbors the proposed Cassadaga wind project. Wind machines, even massively tall, and wide contemporary turbines are rarely reliable by nature randomly intermittent and since their power is a function of the (*inaudible*) of the wind speed along a very narrow speed range, they're always variable. They almost never produce their full capacity. In fact, they average over the course of a year about 25% of their full capacity. More than 60% of the time, they produce less than that. About 10-15% of the time they produce nothing often at peak demand times. Unlike machines that produce modern power, wind is neither dispatchable nor controllable except when shut down completely. Make no mistake, industrial wind is a biggest consumer fraud to ever come down the pike. Industrial wind enriches the point one percent at taxpayer, rate payer and the environments expense for no net benefit. Just ask multibillionaire Warren Buffet who said in quotes, "we get tax credits if we build wind farms. That is the only reason to build them. They don't make sense without all the tax credits". In Wyoming County, many people who are stuck living there because they can't afford to take the loss to sell and get out, our experiencing increased headaches, sleepiness, ringing in the ears, vertigo, lost TV reception, and etc. Lawsuits have abounded. People who used to be friends and even family members no longer speak to one another. Wyoming County property taxes have risen by over 85% over the past 13 years and another 9.68% last year in directly correlation with the installation of wind factories there. Nobody is getting free or reduced rate of electricity here. In fact, the opposite is true. As New York State electricity rates are selling the highest in the nation, no meaningful permanent jobs were created there. Homes in Orangeville, the most recent 58 turbine project, built after the wind production tax credit was extended for the 7th time, are selling for over 20% below their assessed values. The population of a Wyoming County continues to decline. All things considered, including demand levels and import/exports, the more wind installations we add, the more we must add fossil fuel and generation. Adding wind as a supplement to our conventional generating system requires so much supplementation that in many areas of the country, adding wind actually causes increased Co2 admissions and the production of electricity that would be in the case with no wind at all. Industrial

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wind supplies electricity and therefore has nothing to do with our foreign oil dependence which is created by gasoline and diesel fuel needs. Donald Trump was right when he said, America is being auctioned off to the highest bidder and it's happening right here. Thank you.

My name is Joan Riggle and I live in Sinclairville. I want to thank you for this opportunity. After hearing of the worthy goals of the Chautauqua 20/20 Plan it's perplexing and disturbing to me why you would support industrial scale wind projects to be developed in the north County. They will industrialize fragment (*inaudible*), a 100,000 acres of pristine agricultural, recreational lands, they will cause sleep deprivation annoyance, adverse health effects to an unfortunate number of residents due to the profit driven industry influenced, unsafe setbacks and noise limits encouraged by the wind salesman. They will provide only temporary jobs, a handful of permanent jobs if at all. Co2 levels and fossil fuel use will not be decreased in any meaningful way. I have done a lot of research on this after I found out that we were going to be surrounded by 8 500 foot turbines without any say in this. We have no clue that they were coming. It's a very secretive process to keep people out of the dark. I wanted to share some of the wind farms in New York State. The wind companies approach town boards, land leasers and stakeholders and don't tell them the real story. I would like to tell you the rest of the story. It's not all win/win sales pitch. These are some of the New York wind farms that are lose/lose. Cohocton wind farm residents actually traveled to other town boards and warned them about the noise and vibration that keeps them from sleeping and it says, do not bring this into your town. Town Judge Hall Graham, a land leaser, was told there would be no noise problem, but said, it is constant noise like a jet and he feels much regret for affecting his neighbors. David Hunt asked Cohocton Town Board members and David's own father is a board member, said, what am I going to do with a house that I can't even live in? He told the board the noise of the turbines regularly keeps him up at night. Six other neighbors had similar complaints also complained of shadow flicker invading their homes.

Orangeville, Wyoming County, they have a 58 turbine wind farm, that's resulted in a 60 family lawsuit due to noise, shadow flicker, vibrations and health problems. The wind company failed to warn or acknowledge these issues. They are in the process of mitigation right now. They are never going to turn them down. We are going to be stuck with these for 20 to 30 years and I don't think people realize that. They will not turn them off. If we make this decision now, we will be stuck with this for our County.

The Hardscrabble wind farm in Herkimer, New York has resulted in a lawsuit involving over 50 residents. The developer failed to disclose the noise, shadow flicker and vibration, loss amenity, people can't sit out in their yards and enjoy peace and quiet anymore. Devalued property, adverse health effects, headaches, sleep deprivation, seizures, all kinds of issues. Several families, I think there is five I read, have actually abandoned their homes and gone bankrupt because they cannot stand to be in their homes and they have to go rent a property and this just should not be. Forty three Wyoming County land leasers unwittingly became recipients of mechanic's property liens due to unpaid contractors. I see Noble Bliss just went bankrupt. They have a lot of the Wyoming County, New York State wind farms.

Glen Cramer, Wyoming County town of Sheldon councilor, regret approving the Sheldon wind farms stating that in doing so, he made a deal with the devil. He also said by adopting the wind company's requested 50 decibel noise limit and short setbacks, like ours will be, the vibration noise and shadow flicker problems caused the town to be helplessly divided, concluding some people have gained but at the expense of their neighbors.

The WHO advises 30 decibels for inside nighttime noise so 50 decibels which our town is adopting can very strongly affect hormone levels when we sleep. I think of children, I think of babies, venerable population. The DEC says that 20 above our ambient and our local towns are ambient is 25, 20 above the ambient would be 35, that is considered by the DEC an intolerable noise level so why are we adopting 50 decibel limits. Councilman Perry said the Howard wind farm built by Everpower who's doing Cassadaga wind didn't have any effect on the tax rate there. I guess the money went to the fire district. They bought a fire truck maybe. It's still the same in Howard.

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Councilman McEvoy said property values within the wind farms red zone have decreased between 40 and 60% and that two major realities would not list properties within the that red zone. So there is an impact on our property values. Our tax base will be eroded so I think what financial gain we think we're going to receive is not going to be that great.

USA Today reported the Tug Hill wind farm in updates New York has split town and families, pitting neighbor against neighbor, father against son. This is an interesting one.

The Madison wind farm in New York State is the first one at the end of this last year to expire its pilot. This is when towns are led to believe they will get the full property taxes that they are entitled to but Madison town officials say it appears unlikely the company will pay the full property tax, which may lead to a lawsuit. The wind company claims that it can't afford to pay more than the pilot amount. Town assessor feels that the entities were convinced there would be a big wind fall when the pilot expired. He also stated taxpayers haven't really benefited much and probably won't much overall, adding he believes elected officials should approach the pilot agreements with caution. By the way, this wind company is the same one that is building the Arkwright wind farm so that makes you wonder.

Kevin Sigourney, and we just got another letter, I have his letter here. He lives in the Jerico Rise wind project that just came on line not too long ago, he's written letters refuting the articles in the Observer saying oh, winning with wind. He would like to tell the real story of how he is a science teacher that was very pro-wind and he says that he can hardly stand to live in his house and another person just wrote us telling us how horrible it's been.

Jane Harper was a former -

Chairman Himelein: You have one minute.

Mrs. Riggle: I'm sorry. Can I finish one thing please? This is Jane Harper, she is a former Tipton County Indiana Commissioner, regrets approving their wind farm. She says, don't do it. She goes and warns other towns. It's torn her community apart. Outside workers are brought in. She said when they tell you they are local, that means a union team, 50-60 miles away, I know on our wind farm, that is what they told me. That they are coming from Steuben County and they have to be trained to get these permanent jobs. The permanent jobs are the people that they bring in that are trained to work on wind turbines. So forget the jobs, it ain't going to happen except temporary road jobs and repairs because they are going to mess up our roads. Let me just finish. Unfortunately the turbines will spin 20-30 years. She states you can't lose something that you never had so you aren't losing the supposed windfall, but what you will lose is the rural landscape and the closeness of community spirit because people will hate each other over this. What you will lose cannot be measured in dollars.

And the Shirley wind farm, the Brown County Board of Health in Wisconsin actually declared that wind farm a human health hazard and asked for State money to relocate families.

I am not saying that it is going to be everybody in the community impacted but all the studies, I'm a nurse. I've looked at all the studies. A quarter wind farm neighbors, typically are impacted with adverse health effects, sleep deprivation annoyance, you know, this just should not be. If we are moving forward with green energy, we have to have it socially acceptable, environmentally acceptable, financially acceptable. Thank you.

Good evening, my name is Teresa Bretl, I live in Arkwright and I've lived there for 35 years. I would like to talk again about the same subject. Wind farms in upstate New York and energy production. Wind farms must be properly sited if they are to achieve their goals. Failure to accompany the large amounts of public money, devoted to these projects with any siting restrictions has begun to sour public enthusiasm for wind power. As complaints mount in communities hosting wind farms too close to homes, local officials and even State regulators are increasingly rejecting the projects. The shift of public opinion about this type of renewable energy is also motivated by increasing awareness that wind farms generate a small fraction of their capacity and require polluting fossil fuel power plants to back up wherever they fail to run. New York State promotes wind energy projects under a

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State policy to increase to 50% New York's reliance on renewable energy production. New York hydropower already provides 90% of our electricity from renewables. A dozen wind farms are now operating New York, have driven up the cost of electricity and current produced 2.6% of the State's electricity demand. An industrial wind turbine farm involves dozen of industrial wind turbines. Each with an access road sturdy enough to accommodate heavy equipment to construct them. A single turbine site requires clearing many, many acres, miles of new transmission lines, either above ground or underground. Three Chautauqua County projects, totally 123 turbines, each 495 feet in height, will not even generate the equivalent energy of the closed NRG plant which produced upwards of a 1,000 megawatts. Wind energy cannot replace conventional power plants or lower the cost of electricity. They only operate at 20% of capacity and to generate approximately 300 megawatts at least 12 wind farms, each comprised of 60 wind turbines, with 2 megawatt capacity per turbine, each requiring a 10 to 20 square mile project area is needed. Twelve, 60 wind turbine wind farms can take up as much as a 120,000 acres. That is 187 square miles. Cost far more and have far more impact on the community than one conventional power plant. I'm hoping the NRG repowering that I saw on the screen will move quickly. How many more acres of our beautiful landscape of Chautauqua County are we willing to sacrifice for this renewable energy monster. Will our tourism be compromised? How tranquil will our cross country ski trails be? Operation of wind turbines kill birds and bats. The visual and noise impacts of wind turbines can diminish property values, offsetting gains to the host town by decreasing its property tax base. This can change the character of the community which New York counts as an environmental effect. However, no comprehensive regulation from wind farms in Chautauqua County exists. This encourages wind energy developers to take advantage of the rural towns. I'm asking you to please advocate on behalf of your constituents of this County and look out for their best interest. Thank you for your time.

Good evening and thank you for the opportunity to speak. My name is Patty Greenstein. I've lived in Chautauqua County for 30 years now. These are my friends, my neighbors, I've known them skiing, our kids went to school together, we live in the country. We don't live in towns. Those of you who live in towns and cities, this isn't a worrisome thing for you as it is for us because we know these things are going to be right on top of us. My main reason for coming here tonight was also to hear about the Chautauqua 20/20 Comprehensive Plan which I think is a wonderful idea. It's exciting and it's really focusing on the natural resource of Chautauqua County which is why people come here. They come here to ski, they come here with their snowmobiles. Where there is hunters, there is hunting cabins all around my house. The farms are all shutting down. They are all selling off their herds. We're being threatened by these and the comprehensive plan that is such a wonderful thing, when I read it, I read the whole entire document on line. The phrases that come to mind, here are the strategies for the environment. Some of the things it's saying here is, conserve the County's important agricultural soils and its local farming vitality. Maintain Chautauqua's rural landscape heritage and scenic views. Promote the natural asset of Chautauqua to grow new economic opportunities and attract additional residents and investment. This one is my favorite. Make active living and recreation based on the County's natural environment a distinct lifestyle attraction that draws new people to Chautauqua. Lastly, it's talking about completing a Countywide interconnect trail system that draws many different types of users. Everything from horseback riding, snowmobiling, cross country skiing, hiking and hunting. So basically this 20/20 plan is banking on these natural resources and for scenic beauty those wonderful descriptions of our landscape are repeated throughout the whole document of your goals. What I am wondering is, how are these goals going to work with the wind turbines when people can't come here because during the winter time they want to go cross country skiing and you have a tower right next to a ski trail. You have to worry about ice throw, or underground transmission. These things are too close to us. So my big thing is, how do you see these goals which are opposite, they cancel each other out, they are counterproductive. I don't want to take up to much more time but one of the things that I do want to say is we have all attended meetings all across the County and every time that we go to a meeting there is generally a prayer. We invoke the Lord to help us wisely make decisions. We say the pledge of allegiance which ends with, with liberty and justice for all.

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Where is the liberty and justice when I have neighbors telling me that they can do whatever they want to with their land and it sucks to be you. Because that is basically what people say they treat you that way. This has divided our community. We do not want to fight with our neighbors. We've live here, all of us, I think between us we have like a couple hundred years' worth of – I mean 30, all these people here, 30-35 years, I have known these people my whole entire life here and we don't want to fight with the ones who are the proponents for these but they are not really reading this fine print and the fine print is, I really think that it is going to destroy everything that you are trying to promote with your 20/20 Comprehensive Plan which I think is a marvelous idea. I spend summers working at Chautauqua, I'm a teacher and I teach – the last 4 or 5 years I've been teaching computer software. People come from all over the country. One of the first things that they say, I get these students all week long, I teach five classes a day from everything from ipads to 3D printing and I have adults and children saying, you know, they come from large cities and one of the things that I love about being here is that it's beautiful. It's just gorgeous and now I have to go to work this summer and tell these people that we're going to pollute our landscape with turbines. We have to stop calling them wind farms. These are not farms, these are industrial plants that are being plopped right down on top of beautiful vistas and my vista will be destroyed. I will have flicker effect and the whole front of my house. I'm also an artist and also do photography. The two offices that I work in. I have a downstairs and an upstairs studio. I'm going to get flicker effect. Where am I supposed to work? I work at home and it's really unfortunate that the ones who want to sign these are willing to sacrifice the rest of us because somebody promised them a little tidbit of money because the truth is, the ones who are making the money are the turbine companies. This isn't about making energy. It's about making money and I really hope that this Comprehensive Plan, this 20/20 vision for Chautauqua County that you all sit down and rethink and I don't know where you live. I can find out though, but you know where we live but think about how you would feel if somebody did this to you. Thank you for your time.

My name is Ken Bockman, I'm the Supervisor in the Town of Charlotte. I have a bad back and that is why I am hanging on here so I apologize. I would just like to give everybody and the Legislators and the County Executive a little background on the wind power project that we have heard so much about. It consists of 54 turbines, 23 in the Town of Charlotte, 30 in the Town of Cherry Creek and 1 in Arkwright. It will connect to the substation in Stockton and its 126 megawatts. The start date, it started back in 2009 and the preliminary application for Article 10 was filed to New York State on May 27, 2016. The application was deemed complete by the New York State sitting board on November 28, 2016. Article 10 is a new process that New York State has put in place to review the application. Since the proposed start, Everpower, who is the company proposing the thing, has had open communications with the towns involved through board meetings. They are all open to the public, meeting updates, scheduled public meetings, emails, and informational letters to landowners/taxpayers on the record. Article 10 application consists of 5 volumes that are available in the Town hall for the public. They are also in the libraries and on line. The application contains an analysis of potential impacts of construction and operation, environmental issues for the landowners, and the public and the health and safety and communications, transportation, cultural and historic resources, then the collection system. The sitting board will determine if the proposed facility is a beneficial addition or a substitute for generation capacity is in the public interest. The adverse environmental impacts will be minimized or avoided in the construction and operation of the facility and will be in compliance with State laws and regulations. The economic benefits. A proposed payment of \$7,800 per megawatt for 20 years amounts to \$19,656 that will be paid to the County, the towns and the school districts involved. These funds will be shared and the final funding will be determined and approved by the IDA. The landowners in the town participating in the project will also receive lease payments. All taxpayers in the town will receive a benefit. Intervening funding of \$126,000 has been provided to the towns and public for legal representation during this review. Further employment of six jobs and (*inaudible*) employment for the local people for snow plowing and land (*inaudible*) ongoing while the project is in place. There will also be some local construction jobs and resources we needed for supplies and support for the project. In addition, the infrastructure

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improvements for the roads in all the towns that will be used for the construction will be upgraded to handle the heavy equipment and they will provide an engineering firm to monitor that for the towns. Afterwards when the project is done, they will bring the level back up to where they brought it. So, that is just an overview for everybody just to say where we are on the project. Thank you for your time.

Mr. Brett - Can I have one minute to respond to something that somebody else didn't say?

Chairman Himelein: You have a minute.

This is Fred Brett again. I would like to point out that there has been a history of ownership change with these wind companies coming in. For instance in Arkwright, it started out to be a company called Horizon, in Texas, I think Houston, Texas and they were sold off to a company in Portugal. This is a reoccurring thing and also we're seeing that the energy that is being developed by these wind turbine farms, if you want to call them that, they are selling the energy out of State. So it's not even like we're getting the benefit of their production locally. For instance, we don't see a shortage of electricity in New York State right now, at least in Western New York State because they closed the NRG plant in Dunkirk and we're not missing a beat. So all this extra power that they are producing is going elsewhere to somebody's else benefit and it's the developers going like this, all the way to the bank.

Mel McGinnis, Frewsburg, New York. I just want to say how refreshing it has been to be in a situation where things have been done decently and in order. In contrast to the mob hall I experienced last Saturday when there was nothing but yelling and screaming. Thank you that we could conduct business in this kind of fashion. I want to thank too, the County Executive Horrigan and my own Legislator Ron Lemon for responding to a need in Kiantone that involved flooding of Brian Alderen's(?) business. I think that it would be a blessing to him if he got a follow up contact or a call in respect to that visit. I also want to thank my Legislator Ron Lemon, who can't be here because his father-in-law just died here recently but thank him and Chuck Nazzaro for the way in which they pushed back in response to how Federal funds were being used at the airport. I appreciate that and as I think of what is taken place here with these wind farms, I'm listening and as I'm listening to subsidies, tax credits, is this a forum of free market capitalism or a form of County capitalism. I think that we need to ask that kind of question. Also, I would say that what I hear our government having a vision of the State similar to Bill DeBlasio sanctuary styled policy for New York City, I get concerned and I feel like we should push back. When I hear that New York State has more takers from the public treasury than makers contributing to the public treasury, I get concerned. I feel like we need to push back. When I hear the Governor wanting taxpayers to pay the tuition of already State funded colleges and universities, I get concerned and feel like there should be push back. I realize, population wise, New York is a blue State but County wise, our State is overwhelming red. While I think that it is a good idea to be blue during colorectal cancer month that Mark Tarbrake pointed out and say that I heard Governor Cuomo say that New York State needs to be the alternative to the President. Now I say, can't Chautauqua County be the alternative to Governor Cuomo's vision of top down, heavy handed, progressivism from the government? Therefore, I urge Chautauqua County to take the lead in pushing back as New York State's red majority County against the blue County, minority, of heavy handed government control progressivism, both, economically and morally.

I'm Angelo Graziano. I wasn't planning on talking so I have nothing written. I am a Councilman for Villenova and I have all those books that this gentleman said earlier. I got all the big books from the wind company and I have everything in there. I have the final studies, two days after we voted on it. A lot of this stuff in these books are very inaccurate. They don't tell you a lot of information that they need to tell you but the biggest thing that I want to say is that all these people, my wife included, I got stuff of research on these things so much and everybody has researched

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these windmills for the past 6, 8, 10 months, whatever it takes. When you think about everything they've done, we didn't do our job. Because I'm a Councilman and it goes up to everybody. It goes clear up to Andrew Cuomo. None of us did our job because they shouldn't have to do anything. We didn't do our job. The \$175 million should have went to all of us to save money, put windows in our house, stuff like that. We didn't do our job. We need somebody to hire experts, to check on these things because this never would have happened. None of this would ever happened. These things shouldn't be here. They don't belong in residential areas and we need to do our job. That is all that I have to say.

Emily Reynolds, Executive Director at Cornell Cooperative Extension. Just a slight change of topic but I wanted to thank John for announcing the dinner this Sunday. We're looking forward to it. There will be tickets at the door so if you want to bring more people with you or if you haven't gotten your tickets yet, you are welcome to come and get those at the door. And I wanted to thank you for proclaiming Ag Literacy Week in March and we are still looking for readers. It's an excellent way to get out into the schools and read about grapes this year. It's a Cornell book and comes to us every year for Agricultural Literacy Week and we are looking for readers. So if you are interested in reading, please contact me and let me know. We can try and get you into a local school anywhere from 3rd to 5th graders. Thank you.

MOVED by Legislator Bankoski, SECONDED by Starks and duly carried the meeting was adjourned. (8:32 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, March 22, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Lemon, the minutes were approved. (2/22/17)

1st Privilege of the Floor

My name is Dr. Sherri Mason, thank you very much for the opportunity to speak to the Legislature today. As many of you may remember, I'm Dr. Sherri Mason, and I'm a faculty member at the State University of New York at Fredonia and I'm here on behalf of a coalition concerned residents with regard to the recent budget proposal by President Trump. This proposal cuts the EPA budget by 31% including the Great Lakes Restoration Initiative. That would be reduced by 97%. In addition, it cuts the Commerce Department by 15% and most of that is targeted at NOAA, National Oceanic and Atmospheric Administration including the elimination of all 33 sea grant agencies, one of which is here in New York State. We had gotten together and we're respectfully asking the Legislature to pass a motion opposing these budget cuts because of the impact that they will most definitely have upon the Great Lakes. Many of you may remember, not to long ago, back in the 60's and 70's when the rivers of the Great Lakes would readily catch on fire. When the (*inaudible*) were so bad and the Great Lakes were basically considered dead. And it's because of things like the EPA, the SEQRA agencies, the Clean Water Act and various environmental initiatives that have taken place over the last 30 years, the Great Lakes have come back to the current state. They still have a lot of issues and that's how many of you guys know me because I studied plastic pollution in the Great Lakes. On a personal note, all of my funding for my research program comes from these two agencies, the Great Lakes Restoration Initiative and a New York State grant so my research would not be possible if these changes or cuts proposed under the current legislation. So, with that in mind, I'm hoping that you guys will support our motion. We are intended to take this motion and put it forward to Great Lakes audiences in order to create a united front in opposing this type of budgetary cuts. Thank you.

My name is Robert Dando, Fredonia-Stockton Road in Fredonia, Town of Pomfret. I also wish to encourage the Legislature to pass the resolution you have on the Great Lakes. The Great Lakes has about a fifth of worlds water supply and it's going to become more and more important. Right now, many people believe that the future great wars of this world are going to be fought over water resources. The next war between Pakistan and India is not going to be because of the difference between Hindu's and Muslim's, or over cashmere it's going to be over the Hindu river and who controls it. India has already threatened to cut off the water supply to Pakistan. The same thing is happening with China with all the dams that they are building. Mekong(?) supplies and pumps the water for Hindu, China is being controlled by the (*inaudible*) that China has built. So all and all, we have to look at this. The next great pipeline being built may not be for oil, it may be water pipelines from the Great Lakes to feed the west. This is one of the things that I think will be coming up in the future is that there is going to be a divide between the water rich eastern United States and the lack of water that the western states have. Relief with the drought in California is just going to be a blimp, I think. I think that they are going to continue with the drought that they have had out there and they've

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already seen how much Lake Mead has dropped water and the (*inaudible*) River almost has no water at the mouth into the Gulf of California. So, think this is definitely something that we have to encourage that we keep funding projects to continue keeping the Great Lakes important and steady. Remember back in 1776, Adams Smith of the Wealth of Nations stated, water is the one resource of which there is no exchange. Thank you.

I'm Phyllis Gloran(?) and I live in Bemus Point, N.Y. and I want to talk to you about the Chris Collins amendment to the ACA Replacement act which I feel (*inaudible*), it's short-sided. Those are voters who really don't understand that our property taxes are already capped at 3%. To those voters who don't (*inaudible*) pay on 13% of Medicaid costs, or even what that means. Just as many voters as you know, didn't know that there was a difference between ACA and Obama Care. I think that Collins vote will facilitate closure of hospitals which as you all know are struggling, will facilitate closures of many of our nursing homes which are struggling and short staffed and at a time where they are most needed, will harm lower income citizens which is a large voting bloc, as you know in this County. Collins ran from his constituents in Erie County saying that town hall meetings were a waste of his time. I'm sure and I'm sure others are here to tell you that consideration of both the replacement of the ACA and Mr. Collin's bill are a waste of time for anyone who cares about the poor, the sick, and the young. Your re-elections are at stake, the well-being of the citizens of this County are at stake. If this bill us put on the backs of people who need the aforementioned services, (*inaudible*) support it, will ever garner my respect nor my vote and I must add that I was not paid to come here and say this and I hope that it was not a waste of my time to come here to speak before you. Thank you.

I thought that I might be speaking out of turn as I'm confused as to whether or not to speak now but the lady here had mentioned by subject so here we go. My name is John Bryszak and I live 14 Forest at Chautauqua Institution. I am here as a private citizen and a Chautauqua resident. I'm urging the opposition for the repeal of the Affordable Care Act without and acceptable and a better one which is now being called the American Health Care Act. The congressional budget office found that in the try at repeal that Washington (*inaudible*) Legislators, 25 million people will lose their medical insurance coverage under it. Of those 25 thousand people, 15,000 are here in Chautauqua County as Medicaid recipients and 75,000 are in the other counties that make up Tom Reeds congressional district and he is one of those legislators. We have a better chance of being heard here and understood by you folks, our County Legislators than we do by the Washington rank of Legislators. Certainly you've seen or heard about the ruckus town meetings. Why do you think that is? You live with us, you know us, you're here with us and you work with us. On the other hand the Washington Legislators work for corporation and special interest and lobbyist and the 1% but, we have to come home. They're renewed 6 years and they try and have us believe that they are working for us. We the people, while I can appreciate certain aspects of the ACA, the Washington Legislators need to make it better before they try to repeal it and replace it with another version of a same (*inaudible*) one that they have tried already. The details of our request are on copies that you have been given, I'm told you've been given, are spelled out in legal legislative terms. I brought an expert, Dr. Ralph Walton who was the former Chautauqua County Medical Health Commissioner and he's going to speak about addiction such as opioids and other topics you are aware of.

My name is Ralph Walton. I had the privilege of serving as Chautauqua County's Commission of Mental Health back in 1980 when Jack Glenzer was the County Executive. As John has stated and I am sure you are all aware of the fact that Chautauqua County currently faces an opioid addiction epidemic crisis. If the American Health Care Act is to replace the Affordable Care Act, the mandate that Medicaid plans provide care for mental health services and addition will be removed. This is unconscionable at a time of the addiction crisis. I think that Chautauqua County will also be adversely affected disproportionately because of the demographics of our area. We have many poor individuals in this County, it's a rural County, we have a higher incidence of addition, mental health problems, suicides, more obesity, more smoking, so curtail services when they really

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need to be expanded, is absolutely unconscionable. So, I would urge all of you to look at and accept the resolution that John has passed to all of you.

My name is Gil Randall, I live in the Town of Chautauqua. I'd like to speak in support of the Motion to assure its continuation of Federal funding for the Great Lakes initiative. Thirty million people live in the watershed of the Great Lakes. Thirty million Americans. That is 10% of the population of this country. You can't have a body of water in the middle of that kind of a watershed with that kind of a population without having unusual effects that need to be continually monitored and addressed. We have done a lot as has been mentioned already since the 50's and 60's to assure the health of Lake Erie. We can't just brush our hands off and walk away from that. It's a continuing responsibility. It has to be a continuing responsibility simply because of the kind of population pressures that are exerted on that body of water and it is an incredibly important body of water. Someone just mentioned I think that it was the 5th largest body of water in the world. It is the largest body of unfrozen fresh water in the world. Very important resource and you can't walk away from it and we can't take Federal funding away from it. Thank you .

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

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 2/22/17

PRESENTATION

Michelle Henry
County Historian

COMMUNICATIONS:

1. Letter – County Executive – Apptmt. to Conewango Watershed Commission
 2. Email to Clerk Tampo–Re: Resignation - A. Smith from the S&CCLSD Bd.
 3. Letter – Co. Atty. Abdella – Re: Atty's. Succession of Powers & Duties in Law Dept.
 4. Report – Fn. Dir. Crow – January 2017 Investment Report
 5. Minutes – S&CCLSD Board – January 2017
 6. Proof of Publication – Notice of Estoppel – Re: Bonding/NCLSD
 7. Request of Resolution from Preservation of Agriculture Land Serenity
 8. Letter – Manufacturers Assoc. – In Support of LL Intro. 2-17
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MOTIONS: (On file w/ Legislature Data)

- 4-17 In Support of the Continuation of Federal Funding for the Great Lakes Restoration Initiative by the U.S. Environmental Protection Agency - Unanimously Adopted
- 5-17 In Support of Federal Legislation that Prevents New York State from Sharing its Medicaid Costs with Local Governments - Unanimously Adopted

TABLED RES. NO. 48-17 - Authorize Public Hearing for NYS Office of Community Renewal Community Development Block Grant Application – (See page 52 for text)

MOVED by Legislator Wendel, SECONDED by Legislator Tarbrake to move off the table.

Unanimously Carried

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MOVED by Legislator Wendel, SECONDED by Legislator Nazzaro to amend by changing the date from March 22 to the Legislature meeting of April 26th.

Unanimously Carried

TABLED RES. NO. 48-17 – as amended – Unanimously Adopted

RES. NO. 79-17

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:
At the Request of Chairman David Himelein:

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

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

James J. Wehrfritz 4433 Lakeside Dr. Bemus Point, N.Y. 14712 Term Expires: 12/31/20	Replaces A. Jackson Smith, Jr.
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 80-17

Confirm Appointment – Conewango Watershed Commission

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

WHEREAS, County Executive Vincent W. Horrigan, has submitted the following 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 Conewango Watershed Commission.

James Dye 8568 Silver Creek Rd. South Dayton, N.Y. 14138 Term Expires: 12/31/19	Replacing Robert Stewart
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Signed: Borrello, Chagnon, Odell, Niebel

Unanimously Adopted – March 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 81-17

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; and be it further

RESOLVED, That a portion of the grant is already included in the 2017 budget, but the grant award exceeded the anticipated amount, so the budget should now be amended to include the full amount; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual- Board of Elections	\$5,887
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INCREASE REVENUE ACCOUNT:

A.1450.R308.9007	NYS Aid - Other St Aid: Elections Grt	\$5,887
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 82-17

Application for Credit of Real Property Taxes for 2017

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

WHEREAS, the Director of Real Property Tax Services has received an RP-554 Application for Corrected 2017 Tax Roll from Patrick J & Cam Allison Shenigo (PID 064200-393.13-1-8.19) placing a tax liability on the parcel for \$8,018.22 when the correct tax is \$3,562.52, and

REGULAR SESSIONS

WHEREAS, the Director of Real Property Tax Services has determined a school tax was paid and a relevy charge was improperly added to the tax bill and recommends approval of the RP-554 Application for Correction based upon investigation of same, and

WHEREAS, in accordance with Res. 4-17 the amount of the correction exceeds \$2,500, now therefore be it

RESOLVED, That the Director of Real Property Tax Services is hereby authorized to correct the 2017 Tax Roll.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 83-17

Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2016 to December 31, 2018

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00, for the operational period of January 1, 2016 through December 31, 2018; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for New York State Indigent Legal Services for the period of January 1, 2016 through December 31, 2018, in the amount of \$269,919.00, or as amended; and be it further

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

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 84-17

Authorize Execution of New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY16

JOURNAL OF PROCEEDINGS

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, the State of New York will provide funding for a FY16 grant in the amount of \$77,778.00, with no local funds, for a contract period of September 1, 2016 through August 31, 2019; and

WHEREAS, this grant was amended into the 2017 budget by Resolution 16-17; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 85-17

Authorize Execution of Police Protective Equipment Program (PPEP) Grant Award through the NYS Division of Criminal Justice Services

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 Division of Criminal Justice Services approved the application submitted to the Division of Criminal Justice Services for the Police Protective Equipment Program (PPEP) grant; and

WHEREAS, the State of New York will provide funding for a FY16 grant in the amount of \$13,949.00, with no local funds, for Contract #T444680 for the performance period of January 1, 2017 through December 31, 2017; and

WHEREAS, the 2017 Chautauqua County Budget does not include any revenue or expenditures for this grant since the grant funds became available after the budget was released; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the Division of Criminal Justice Service; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3110.GRNT.4	Contractual—Sheriff	Grants	\$13,949
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INCREASE REVENUE ACCOUNT:

A.3110.GRNT.R438.9000	Federal Aid—Other Public Safety Aid		\$13,949
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REGULAR SESSIONS

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 86-17
Increase Funds for Property & Evidence Room Capital Project

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

WHEREAS, the total cost of the property and evidence room capital project will exceed its budget; now therefore be it

RESOLVED, That Reserve for Capital is appropriated as follows:

INCREASE THE USE OF RESERVE FOR CAPITAL:

A.-----878.0000	Fund Balance, Reserved Fund Balance -Reserve for Capital	\$11,311
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; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfer – Transfer to Capital	\$11,311
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INCREASE CAPITAL ACCOUNT:

H.3110.06964.4	Contractual - Prop & Evid Rm/Proc Lab	\$11,311
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06964.R503.1000	Interfund Transfer – Interfund Transfer	\$11,311
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 87-17
Increase Funds for Next Generation 911 Capital Project

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

WHEREAS, the total cost of the Next Generation 911 capital project will exceed its budget established in Resolution 225-15; and

WHEREAS the County Sheriff's Office has sufficient funds in a reserve account that can be used to purchase equipment for this operation of the 911 emergency system; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

JOURNAL OF PROCEEDINGS

INCREASE THE USE OF FUND BALANCE:

A.-----891.0000 Fund Bal., Reserved Fund Bal – Misc.Reserve:W-911 \$19,000

; 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 Transfer – Transfer to Capital \$19,000

INCREASE CAPITAL APPROPRIATE ACCOUNT:

H.3110.06966.4 Contractual—Next Generation 911 \$19,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06966.R503.1000 Interfund Transfer – Interfund Transfer \$19,000

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 88-17

Close Capital Project Emergency Communication and Dispatch

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Emergency Communications and Dispatch capital project H.3110.542 has been completed and can be closed; and

WHEREAS, the Emergency Communications and Dispatch project was completed under budget and the estimated surplus of \$336,196 will be returned to the reserve for capital when the project is closed; therefore be it

RESOLVED, That the Director of Finance, close capital account H.3110.542 for any further expenditures, reconcile, post adjustments and begin capitalization as necessary; and be it further

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

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

(Amended in P.S under the title of "Adjust Capital Project Budget for County-Wide Radio Capital Project and Close Capital Project Emergency Communications and Dispatch) (Amended in A.C. including changing title)

Unanimously Adopted – March 22, 2017

REGULAR SESSIONS

RES. NO. 89-17
Adjust Accounts for Jail Health Services

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

WHEREAS, the need for a more comprehensive and coordinated effort to improve the health, well-being and safety of County Jail inmates and the Chautauqua County community has led County Government officials to determine that Jail Health Services should be implemented by the Department of Health and Human Services (DHHS); and

WHEREAS, it is believed that a synergy would be created under the Public Health Division of the DHHS that would improve the quality of care of inmates, increase adherence to federal and state statutes, improve overall community health and well-being, and generate economies; and

WHEREAS, the delivery of Jail Health Services by DHHS will help ensure that all statutory requirements and compliance with all relevant oversight authorities are met, and the Chautauqua County Board of Health has expressed support for the operation of Jail Health Services by the Public Health Division of DHHS as of April 1, 2017; and

WHEREAS, in accordance with New York State Commission of Correction mandates Jail Health Services should be staffed during the hours of 6:30AM to 10:00PM, seven days a week; and

WHEREAS, DHHS recommends Jail Health Services be staffed with the following positions: .1 Full Time Equivalent (FTE) Physician, .5 FTE Nurse Practitioner/Physician's Assistant, 4.8 FTE Registered Nurses, 2.8 FTE Licensed Practical Nurses, and 1.0 FTE Health Aide, for a total of 9.2 FTEs; and

WHEREAS, the 2017 budget for the Jail includes funding for Jail Health services inclusive of 5.0 FTE Registered Nurses; and

WHEREAS, the budget should be amended to transfer funds for Jail Health Services from the Jail department to a new department under the Health Department; and

WHEREAS, the overall budget must be increased to meet the total staffing requirement; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance--Unassigned Fund Balance	\$ 160,330
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; and be it further

RESOLVED, That in order to implement the delivery of Jail Health Services by DHHS, the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4017.JAIL.1	Personal Services — Clinics - Jail	\$ 460,016
A.4017.JAIL.4	Contractual — Clinics - Jail	\$ 495,500
A.4017.JAIL.8	Employee Benefits — Clinics - Jail	<u>\$ 236,800</u>
	Total	<u>\$1,192,316</u>

JOURNAL OF PROCEEDINGS

DECREASE APPROPRIATION ACCOUNTS:

A.3150.----.1	Personal Services—Jail	\$ 311,308
A.3150.----.4	Contractual—Jail	\$ 555,500
A.3150.----.8	Employee Benefits—Jail	<u>\$ 165,178</u>
	Total	\$1,031,986

Signed: Wilfong, Wendel, Bankoski, Whitford, Tarbrake, Niebel, Lemon, Chagnon, Nazzaro, Borrello, Gould, Muldowney

Unanimously Adopted – March 22, 2017

RES. NO. 90-17

Amend Chautauqua County Health & Human Services 2017 Budget for Rollover of Childhood Lead Poisoning Primary Prevention Program 2016-2017 COLA

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

WHEREAS, revenue and expenditures for the Childhood Lead Poisoning Primary Prevention Program 2016-2017 COLA were budgeted during 2016; and

WHEREAS, the COLA spending was not completed during 2016 and must be finalized by March 31, 2017; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.2	Equipment – Other Public Health Progs, Lead Testing	\$ 18,000
A.4189.LEAD.4	Contractual – Other Public Health Progs, Lead Testing	<u>\$ 1,435</u>
	Total	\$ 19,435

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R345.0LPC	NYS Aid – Lead Pilot COLA	\$ 19,435
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 91-17

Amend Chautauqua County Health & Human Services 2017 Budget for Rollover HUD Lead Hazard Reduction Demonstration Grant Funding

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

WHEREAS, 2016 expenditures for the HUD Lead Hazard Reduction Demonstration Grant were less than expected; and

WHEREAS, 2016 revenues for the HUD Lead Hazard Reduction Demonstration Grant were also less than expected; and

REGULAR SESSIONS

WHEREAS, activity on the project is expected to increase in 2017 and unused grant funds are still available as the grant is for a three year period from September 1, 2015 to August 31, 2018 with no requirements as to how much is to be spent per year; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual –Other Public Health Programs, Lead Testing	\$514,040
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INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.0HUD	Federal Aid--Other Public Health, HUD Lead	\$514,040
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 92-17

Amend Chautauqua County Health & Human Services 2017 Budget for Corrected Federal/State Grant Funding Percentages

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

WHEREAS, 2017 revenues for the Maternal Infant Community Health Collaborative (MICHC) and Immunization Action Plan (IAP) grants were budgeted as 100% federally funded; and

WHEREAS, upon further investigation it was found that the MICHC grant is 50% federally funded and 50% state funded and that the IAP grant is 55.35% federally funded and 44.65% state funded; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE REVENUE ACCOUNTS:

A.4010.NURS R340.1000	NYS Aid -Public Health Grant	\$147,831
A.4010.NURS R340.0IMM	NYS Aid- Immunization	\$ 30,117
	Total	\$177,948

DECREASE REVENUE ACCOUNTS:

A.4010.NURS R440.1000	Federal Aid-Public Health Grant	\$147,831
A.4010.NURS R445.0IMM	Federal Aid-Immunization	\$ 30,117
	Total	\$177,948

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – March 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 93-17

Approve Corrective Action Plan (CAP) for Submission to Office of the State Comptroller (OSC)

By Audit & Control Committee:

At the Request of Legislators Chagnon, Nazzaro, Muldowney, Borrello, Gould:

WHEREAS, the Office of the State Comptroller (OSC) periodically audits all municipalities in New York State; and

WHEREAS, OSC recently completed a 2013-2016 audit and issued audit recommendations for the County; and

WHEREAS, the County at its option may provide OSC a Corrective Action Plan (CAP) detailing the County's implementation of plans of action in response to OSC's audit recommendations, therefore be it

RESOLVED, That the County Legislature hereby approves the CAP on file with the Clerk of the County Legislature in response to OSC's 2013-2016 audit recommendations; and be it further

RESOLVED, That the Chairman of the County Legislature is requested to submit the CAP to OSC on behalf of the County.

Signed: Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – March 22, 2017

RES. NO. 94-17

Reallocating Salary Grade for Communications Technician

By Administrative Services, Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Sheriff requested a review of the Communications Technician salary grade, and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently being performed by Communications Technicians and recommended a one (1) grade salary increase, and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade change, and

WHEREAS, the title of Communications Technician is currently at salary grade 13, therefore be it

RESOLVED, That the salary grade for Communications Technician be set at grade 14 of the CSEA Unit 6300 salary schedule.

2017 CSEA Unit 6300 Salary Schedule

REGULAR SESSIONS

Communications Technician Grade 14 (\$19.05 - \$24.46 per hour)
 (\$39,624.00 - \$50,876.80 per year)

Note: Current Grade 13 (\$18.38 – \$23.57 per hour)
 (\$38,230.40 - \$49,025.60 per year)

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Nazzaro, Wendel, Bankoski, Tarbrake,
 Niebel, Chagnon, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent -March 22, 2017

RES. NO. 95-17

Reallocating Salary Grade for Senior Communications Technician

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

WHEREAS, the Chautauqua County Sheriff requested a review of the Senior
 Communications Technician salary grade, and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently
 being performed by Senior Communications Technicians and recommended a two (2) grade salary
 increase, and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective
 Bargaining Agreement, comprised of the County Executive, Director of Human Resources and
 President of CSEA Unit 6300, met and approved the recommended grade change, and

WHEREAS, the title of Senior Communications Technician is currently at salary grade 15,
 therefore be it

RESOLVED, That the salary grade for Senior Communications Technician be set at grade
 17 of the CSEA Unit 6300 salary schedule.

2017 CSEA Unit 6300 Salary Schedule

Senior Communications Technician Grade 17 (\$21.19 - \$27.17 per hour)
 (\$44,075.20 - \$56,513.60 per year)

Note: Current Grade 15 (\$19.81 – \$25.35 per hour)
 (\$41,204.80 - \$52,728.00 per year)

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Nazzaro, Wendel, Bankoski, Tarbrake,
 Niebel, Chagnon, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent -March 22, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 96-17
Reallocating Salary Grade for Communication Systems Coordinator

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

WHEREAS, the Chautauqua County Sheriff requested a review of the Communications Systems Coordinator salary grade, and

WHEREAS, the Human Resources staff reviewed the salary grade and duties currently being performed by Communications Systems Coordinators and recommended a three (3) grade salary increase, and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade change, and

WHEREAS, the title of Communications Systems Coordinator is currently at salary grade 18, therefore be it

RESOLVED, That the salary grade for Communications Systems Coordinator be set at grade 21 of the CSEA Unit 6300 salary schedule.

2017 CSEA Unit 6300 Salary Schedule

Communications Systems Coordinator Grade 21 (\$24.52 - \$31.52 per hour)
(\$51,001.60 - \$65,561.60 per year)

Note: Current Grade 18 (\$21.90 – 28.17 per hour)
(\$45,552.00 - \$58,593.60 per year)

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Nazzaro, Wendel, Bankoski, Tarbrake, Niebel, Chagnon, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent -March 22, 2017

RES. NO. 97-17
Quit Claim Deeds

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

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

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

REGULAR SESSIONS

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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amt.	Taxes Owing
PA-270-2015	Hanover/ Silver Creek	064603-32.18-4-1	Heitzenrator Homes llc	\$ 4,750.00	\$ 103,481.92
QC-47-2016	C/Jmstn.	060800-370.19-11-26	Tom Stahlman	\$ 25.00	\$ 5,948.11
				\$ 4,775.00	\$ 109,430.03

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - March 22, 2017

LOCAL LAW
INTRODUCTORY NO. 2-17
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING COUNTY ASSISTANCE AND INCENTIVES TO
MUNICIPALITIES FOR CONSOLIDATION AND DISSOLUTION

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

Section 1. Purpose. In 2009, the New York State Legislature adopted the "New N.Y. Government Reorganization and Citizen Empowerment Act" which revised the requirements for consolidating or dissolving local government entities in New York State.

In November 2016, Governor Andrew M. Cuomo announced the Municipal Consolidation and Efficiency Competition for local governments to compete for \$20 million in grant awards to spur local government consolidation and innovative restructuring initiatives.

The purpose of this local law is to authorize the County of Chautauqua to join New York State in providing assistance and incentives to local municipalities for consolidation and dissolution. It is the intent of this local law to enhance the well-being of County residents and property therein by encouraging a decrease in the layers of local government in order to reduce property taxes, improve the business climate, and spur economic development in Chautauqua County.

Section 2. Authorization. The County of Chautauqua is hereby authorized pursuant to a duly adopted resolution to provide assistance and incentives to other municipalities in Chautauqua County to accomplish the consolidation and dissolution of local government entities. Such assistance may be in the form of grants, loans, or in-kind services.

JOURNAL OF PROCEEDINGS

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

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

Sponsored by Legislator Niebel, Scudder, Vanstrom, Starks, Muldowney, Whitford, Borrello

Emailed to Legislators: 3/10/17	
Amended in Legislature: 3/22/17	R/C Vote: 19 Yes
Adopted by Legislature: 4/26/17	
Public Hearing by County Executive: 5/11/17	
Adopted as LL 4-17	Date State Filed: 5/23/17

LOCAL LAW
INTRODUCTORY NO. 3-17
CHAUTAUQUA COUNTY

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

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan to modify the salary range of the Physician to reflect current salaries in the marketplace and make the County competitive in recruitment commencing April 1, 2017. The current range for the position is \$50,902 to \$101,803.

Section 2. Salary Level.

Effective April 1, 2017, the non-scheduled salary range of the Physician shall be \$90,000 to \$205,000.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Sponsored by Legislator Tarbrake

Emailed to Legislators: 3/10/17	
Adopted by Legislature: 3/22/17	R/C Vote: 18 Yes; 1 Absent
Public Hearing by County Executive: 4/5/17	
Adopted as LL 3-17	Date State Filed: 4/13/17

REGULAR SESSIONS

2nd Privilege of the Floor

My name is Bob Terreberry and I live in Maple Springs. I didn't realize – I came about the Great Lakes and the ACA but I didn't realize that Michelle Henry was going to give a presentation tonight. I am the co-President of the Bemus Point Historical Society and I am proud to say that. I have to say that Michelle is a jewel. She helps all of the organizations in the County, the grants that she has gotten have been incredibly helpful. She goes to organizations and speaks on a variety of topics, she's a terrific emissary for our County and I think that after the History Fair that our organization sent a letter to (*inaudible*) thanking for having that job as part of what you guys do but it's really important to keep that history going and communities have their points of pride. So, I'm very proud of Michelle, proud that she is involved with the historical preservation in the community and I thank you all for supporting that.

County Executive Horrigan: (*Cross talk*) we have a great Emergency Services in this County. Today at 7:30 in the morning, Falconer responded to a 10 department response fire, four buildings destroyed, 10 people evacuated, Red Cross is taking care of them. But, Legislator Wendel said it best, everyone working together. The Mayor was surrounded by really senior people from the Fire Service, giving advice on insurance and all of that but it's a true gift that we have in this County. Ten fire departments, including Jamestown, paid and volunteers, all come together, no injuries, no loss of life, four buildings were destroyed. That road will probably be closed in Falconer, Main Street, for the next 72 hours and they will work through insurance claims and that right now. Fire investigators are still there but I think anywhere we can, we need to acknowledge and appreciate volunteer fire service and encourage more and more younger people to step forward because I will tell you, without that, we're in serious trouble. So, I just wanted to congratulate the fire service and as Legislators when you get out there, spend a minute, thank them. Ten fire departments today. (Applause)

Chairman Himelein: Anyone else to speak to the privilege of the floor. Seeing no one, we'll entertain a motion to adjourn.

MOVED by Legislator Gould, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (7:30 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, April 26, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

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

MOVED by Legislator Wilfong, SECONDED by Legislator Nazzaro, the minutes were approved. (3/22/17)

1st Privilege of the Floor

My name is Angelo Graziano and I'm here to talk about the lease for the BNSF Logistic. Since leases consists of subsidy money (*inaudible*) form of (*inaudible*) economic factor. When companies are (*inaudible*)..... The wealthy arrange to get all kinds of subsidies while the working class and the (*inaudible*) survive. Please do not give this property agreement to the wind companies or the contractors. The rent he's paying is coming off the backs of the taxpayers. These companies are given taxpayer subsidy money which allows them to offer and pay outrageous rates using our money. Lease the brownfield to a company and actual stay and actually contribute long term to this area. This county is not strapped for money as (*inaudible*) \$75,000 to help with the golf course for the tournament coming to this County this summer. (*Inaudible*) to our area. Unlike like using taxpayer subsidy money, (*Majority of statement was not audible enough to transcribed accurately*)

My name is Patricia Greenstein and I live on Hoag Road in Cassadaga, New York and I'm specifically responding to an opinion article that was put in the Post Journal (*inaudible*) The writer is asking the Legislature to be part of the (*inaudible*) public interest. Our representatives in towns and county take an oath to support the constitution of the United States and the State of New York. You, our Legislators and Town representatives have an ethical and moral obligation to the public you represent. So we take (*inaudible*) to status quo. Legislator Borrello, Scudder, and Nazzaro (*inaudible*) care about us , the people, who they represent and more importantly they have done the research by voting nay to leasing this building for turbine purposes. Their vote illustrates (*inaudible*) turbine project in Chautauqua County and is sadly dividing our community. The County spent a great deal of money trying to promote the 20/20 Comprehensive plan in 2011. So what you all had to pay (*inaudible*) monetary aspect of 20/20 plan. The plan is supposed to promote the County as a rural and scenic destination and yet some of you are (*inaudible*) turn our landscape and homestead into industrial property with 500 foot turbines bearing down upon us. Where is the financial logic in this planning and how do you see it interface with the turbines? I asked this question a month ago and it is yet to be answered. Furthermore the \$60,000 that will be paid to the County, that money has to belong to the taxpayers of the State (*inaudible*) enormous subsidies paid to turbine companies. You realize that you are granting tax relief to already subsidized companies. If you did this in the public private sector, private sector, it would be considered a kick back for favor granted with other people's money. Those of us in opposition to the turbine project, see this is robbing Peter to pay Paul scenario and thankfully we have a few representatives, Borrello, Scudder, and Nazzaro who have done their homework and seem to understand this as well. Character is doing the right thing (*inaudible*.) They are (*inaudible*) people who think that the only thing is right (*inaudible*) and the only thing that is wrong is to get caught. We (*inaudible*) monetary priority (*inaudible*) without concern of our (*inaudible*) will come back and haunt us all. We in this room, all of us, (*inaudible*) children and grandchildren, we are watching all of you. Every time you (*inaudible*) how to vote, we're watching how you (*inaudible*) up

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the neighbors and your fellow citizens, those *(inaudible)* public office. Economic incentives and energy solutions are *(inaudible)* and your constituents are considered collateral damage by turbine industries or any other industry. We ask you please to vote with your head but kindly do not forget to use your heart to *(inaudible)* pledge promise of liberty and justice for all. You also said a prayer tonight. As a Christian, can we do that, can we set *(inaudible)* whatever your faith may be, how can you do justice and say *(inaudible)* when *(inaudible)* damage to your neighbors. So, I ask you to really think strongly about how you are voting and once again I would just like to applaud the three Legislators who have taken the time to listen to us and support it and I thank you for your time.

I am Fred Norton and I'm the Town Supervisor of the Town of Arkwright. I've been working with the wind project for over 11 years. Twenty six agencies have examined the plan. Do you want to know why businesses are leaving the State of New York for the south, look at that, twenty six agencies have examined a plan and design of this project. I happened to have been President of the New York State School Attorney's Association many years ago. I used to be a school attorney. The school district that serves the Town of Arkwright is in desperate need of money. The tax is very, very disadvantageous for school districts. It requires a 60% vote on a budget and there isn't a budget that has passed in the State of New York by 60% of the people. This project will bring over \$300,000 to the school districts that are involved in the project. Our town, which has a no factories, it has farms, dairy farms, and they are dying. The dairy industry is dying. We have one operating dairy farm. Those farms were our major form of income because believe it or not *(inaudible)*. We will be getting \$300,000 a year from this project. You are going to get about \$100,000 a year, the County. Why do you wish to throw that away? This is a very necessary project and it will also attract people because windmills are beautiful, *(inaudible)*. I happen to be a member of the Albright Knox Art Gallery Board of Directors. I know something about them. They are gorgeous, they are *(inaudible)*. People come to look at them. They will increase the number of tourists. So I urge you to vote for this. If you don't, you are going to lose \$60,000 a year and I can't imagine the County Legislators wanting to do that. They will find someplace else to locate their material because all the other projects contracts have been let and the project is ready to go.

I'm Tina Graziano and I live in the Town of Villenova. I want to comment on the leasing of land in Dunkirk. A subsidy in the form of financial aid or support *(inaudible)* to an economic *(inaudible)*. Please do not give property lease agreement to the wind company or its contractors. The rent lease payment is from subsidies ripped off the backs of taxpayers. These companies are given so much taxpayer subsidy money that this allows them to offer *(inaudible)*. Please do not make it easy for them to infiltrate this area. If you allow this one, there will be another asking and so on. Please do not support or promote the wind industries as we all know it cannot financially stand on its own. The wind industry can only survive with subsidies. We have been to our Town Board, it's a dead end with them. They are led by the same lawyer in all three projects and led by the smell of money. Money can't buy your health and wellbeing. As stating at a former Town Board meeting, Arkwright residents and the Town of Charlotte residents will not see any town tax relief. So exactly what is the benefit here? This is why we keep coming to you. How un-American it is to have *(inaudible)* of this magnitude and have no public vote. It is pure madness. I do not support the wind project because of the negative impact they will impose on this area. Massive 500 foot industrial turbines do not belong in a residential area. Governor Cuomo *(inaudible)* in January's speech, we'll put 550 foot turbines 30 miles out in the ocean off of Montauk. He caters to the wealthy *(inaudible)* Long Island summer residents who do not want their view of the ocean dotted with 550 foot turbines. What about the consideration for us? Why does he forget our quality of life here? The wind industry, once again, can only survive with subsidies. Setbacks of only 1,000 feet from homes are dangerous, non-stop infrasound, shadow flickering, vibration, *(inaudible)* sickness and sleep deprivation. They can throw ice 1,700 feet. I've been out of school for a long time but I can still add that one up. We have people *(inaudible)* owls, vultures, song birds and our endangered long eared bats, are sure to be destroyed. Our largest assets, our homes, will sell for probably a devaluation of at least 25% and will continue

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(inaudible). Would you buy a home listed in an industrial wind facility? When we built our homes this issue was not born yet. Now everything that we have worked for is being threatened. Why do a handful of landowners who's uninformed, small town boards have a right to change *(inaudible)* forever? Our *(inaudible)* as residents, as residents and taxpayers, have *(inaudible)* and ignored. Tourism will cease. People come from outside areas to get away from skyscrapers. This surly won't come back and visit after they see destruction and devastation caused by these turbines. Tourism is a huge part of businesses in this County and this will be a loss of income for many. Look at Arkwright now. So much of the land has been clear cut for construction. It looks like a war zone. Protecting State land is right on the edge, a major impact *(inaudible)* the area. I'm asking you on record tonight for help. Since we have been here numerous times, what experts have you talked to about the impact on our health, property values, water wells, and our water ways? You can get a path to Albany and Washington, DC and that is where we need you to take us. Thank you very much.

My name is Joanie Brett and I live in Sinclairville and I ask that you to please vote no against the BNSF lease as a matter of conscience, principal, and good will. I would like to share this testimony of a doctor *(inaudible)* She says, I wish everyone in this State had heard the testimonials of people suffering in an industrial wind projects. We live in a country founded on the principal that all men are created equal, are valuable and have equal rights under the law. *(Inaudible)* refer to people *(inaudible)* wind farms as collateral damage is disturbing. Collateral damage is the unavoidable in military operations but it's unacceptable in day to day lives. Those lives of those suffering from wind farms are as valuable as the lives of each Legislator. I'd like to see them switch places. Then we'd get some wind farm legislation that makes sense. If people are going to suffer because of a new technology, we do not move forward with it but instead we find a better solution. There are better solutions for our *(inaudible)* problems. Thank you.

Thank you Chautauqua County Legislators for the opportunity to speak and thank you for your public service. My name is Fred Brett and my wife and I have lived in the Town of Arkwright for 36 years. I would like to address the matter of lease request made by BNSF Logistics *(inaudible)* their wind turbine materials on industrial site on South Roberts Road and anticipate forwarding these materials to the Arkwright town wind project. They have offered \$15,000 per month for a four month lease agreement. On April 25, the Post Journal stated their opinion that the Legislature should approve the lease agreement and take the money. They think with their heads and not their hearts. Well, it's just not that easy. The Legislators are supposed to use their heads. *(Inaudible)* contemplate and rationalize what is best for all their constituents. But, they should also use their hearts because that is when their passion for the public service becomes evident. They serve all of their constituents responsibly and ethically, your compassion to *(inaudible)* with justice. The Arkwright Wind project has been controversial from day one in its proposal and as the Boutwell Hill and Cassadaga Wind projects. These projects are controversial for a variety of reasons starting with money. Most everyone wants the money and there is a lot of money being distributed *(inaudible)* the developers and subsidization. The major players want to suck you into this. The money is the only green part of this equation and these projects would not be developed without those subsidies. Then there is a negative impact on human health. *(Inaudible)* low frequency noise, *(inaudible)* and shadow flicker. There is impact on endangered species such as eagles and bats. There is impact on wetlands and water aquifers, and then there is fragmentation of our agricultural, residential land because the construction and purchase of the industrial wind turbines, the access roads, and transmission lines in the residential district. Our community is fractured because of differences of opinions and again, the inequitable distribution of economic gain. Our properties will be devalued if you have turbines in close proximities and are *(inaudible)*. So I ask you today, will you just use your head vote yes for the money, which in this situation, *(inaudible)* taking the people's money for a political or business favor because the money is there for that taking. Or do you vote no because in your hearts your *(inaudible)* to do the right thing for consideration for all of your constituents and performing your public service.

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You vote no because you have considered the negative impact that this project on your constituents and the environment and you are brave enough to stand tall with that opinion. This is the chance that you, the Legislature, will have any say on this project. Vote carefully and ethically.

I'm just going to take a deep breathe so I actually (*inaudible*) relieve some of the stress in the room. I imagine all of us here, it's a little bit like post dramatic stress disorder. I see Mr. Norton was a little bit nervous, my next door neighbor. So, it's like being in the Army. I was a Social Psychology Specialist, three years. A year of which was in Vietnam, and I became soldier of the month (*inaudible*).

Chairman Himelein: Could you state your name please?

Robert Holland and I live on Center Road in Arkwright. This is my first presentation here. First time in these Chambers. I went to school in psychology, research psychology, went to grad school as a Macro Social worker. In other words, I was an interested in community development. I didn't find that as interesting as working in a water well drilling operation run by my father for 50 years. I know a lot of about ground water. I told my wife not to come here tonight because she's already upset and she's on a dialysis machine and so actually she's talking about not being notified about water studies in the Town of Arkwright that may concern our health and well-being. They are mistaken on several things. Arkwright is known for its springs. Many, many springs, including the (*inaudible*) Hill that had the first cheese factory in Chautauqua County. I'm also an artist. I have had conversations with Mr. Norton about fine art on many occasions. I'm pretty well recognized in this County. I was artist of the year a few years ago. I'm in (*inaudible*) San Francisco collection. I have taken awards at Albright Knox and my view is very different than Mr. Norton's view. Mr. Norton proposes that large wind turbines or (*inaudible*) are the equal of a pristine environment. It's not in the cards. It's not in the literature. What is in the literature is that you feel differently in a non-industrial zone that has trees. It is the highest rated along the seashore esthetics. The way they looked at it is through (*inaudible*) study and they don't survey the public and the public came out with a same recognition that it was very different. Now what is different about it is serenity cannot (*inaudible*) in an industrialized zone. It is a (*inaudible*) kind of feeling that you are going to get whether you are dealing big machinery and power. The other part of this thing is, is the feeling that you get that is going to relieve (*inaudible*) tension in this room. If you walk into a beautiful forest and lay down on the ground and you take three slow deep breathes, both in and out, your body changes. It actually changes your brain wave and makes you feel very different. Now that is related to many things and I sort of tabulate it as a serotonin kind of feel. It's very calm spiritual feeling. The importance of the spirituality of the natural environment is very important. Even in the translation (*inaudible*) acted out when will Kingdom come? The Kingdom will not come by expectations. They surround people but they don't see it. Those are powerful words. The other part of my presentation is, I was on the Planning Board before Mr. Norton took office. (*Inaudible*) construction of a law which the Planning Board put in place over two years. Our intention was to share in the wind turbine monies so if you were impacted by the wind turbines, you would share in the leases. That would take a lot of stress of the room and make your job much easier (*inaudible*), because you would be eliminating this opposition. One side and another. Your job is to create harmonious community, enhance to provide so that all of us feel better and have better quality of life which means our property values go up. So, either property values are going to go up and you tax the wind turbines, what it is, it's (*inaudible*)value of Arkwright knowing that these are (*inaudible*) except by their own choice. (*Inaudible*) Because what happened was, we wanted an open process. Whereas Mr. Norton (*inaudible*) within one month of presenting it did not allow the Planning Board to (*inaudible*) and had the audacity to invite the wind turbine salesperson to the same meeting. So, I will (*inaudible*) if Mr. Norton had staged an open meeting and we weren't able to fight it because my attorney alone (*Most of statement not audible to transcribe accurately*).

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Thank you again members of the Legislature for allowing me to speak to you on the issue of the wind farm. My name is Mark Twitchell and I'm from Fredonia, New York. Someone would say that this isn't just about a vote and I agree probably for a different reason. By using wind energy to accomplish this (*inaudible*) goal, it will be necessary by some estimates to cover an area the size of Long Island with wind turbines, Rest assured that Long Island itself will not host the wind farms. The \$60,000 that the County will receive from this proposed lease agreement (*inaudible*) than the dollar per County residents, but perhaps a dollar or two per town taxpayers. Does anyone here not accept this plan to (*inaudible*) by a \$6 billion dollar tax and rate increase to cost taxpayers and rate payers more than a couple dollars with every bill that they receive? The \$60,000 will not pay for a new County home campsite as beautiful as ours was to be blighted by a rural brownfield of clear cut forest with cement infrastructure and gravel roads. That is the biggest wildlife including great blue herrings and endangered long eared bats. Period oil leakage and straight underground collective (*inaudible*). The \$60,000 will not adequately subsidize the County's public health system for the extensive of responding to residents' complaints about toxic (*inaudible*) homes. The \$60,000 will however, purchase the endorsement by this Legislature of an ever increasing industrial (*inaudible*) degradation of our rural neighbors and County investments over which this Legislature has no control. The citizens group, Preservation, Agricultural Land Serenity and Concerned Citizen Cassadaga Wind Project will present our concerns and recommendations to Chautauqua County Department of Health tomorrow in this building. We will bring documentation supporting the fact that industrial wind turbine noise is harmful to (*inaudible*) and suggests preventive and proactive measures which the Department of Health may (*inaudible*). The group, Preservation, Agricultural Land Serenity and Concerned Citizen Cassadaga Wind Project will present to the Chautauqua County Planning Board on May 2nd in Jamestown. We will illustrate via maps and board graphs the environmental degradation and which is already affected County recreational land in Arkwright and poised to affect County investments in trails in the Boutwell Hill State Forest. It is time for this Legislature to take a new attitude. Let's cut our losses and protect our citizens going forward. This is the biggest environmental challenge this County will face. Thank you.

My name is Joel Woodward and I live the Town of Arkwright. I would also like to consider voting no against the resolution being put before you tonight. I appreciate all the things that were talked about tonight and I agree that there is not adequate setbacks, there is not adequate safeguards in place for those who are not purchasing landowners. I just wanted to speak to you about the (*inaudible*) proposed for the Arkwright project. It was stated earlier that there is about \$300,000 per year coming in from revenue. That is then split between 5 taxing jurisdictions so equal division we're talking \$60,000 per taxing jurisdiction, per year. However, a press release I found on Arkwright's website was that that project is worth probably \$150 million dollars plus in best value. So, if you do that calculation, just as someone with a low taxing school district, that \$2.5 million per year is what that should be generating (*inaudible*). If you combine school district with town and County and just use thirty thousand, that is \$4.5 million dollars in revenue per year compared to \$300,000. I feel like that is a real injustice to our County, to our citizens and it's not right. I realize you probably can't do anything about that pilot agreement now however, (*inaudible*) Cassadaga project, I understand that there 68 turbines so if you just figure based on what 36 are valued at, that would generate \$7,250,000 per year. I'm pretty sure that the pilot agreement that was proposed to the IDA nowhere near that. So, I feel like, I would really like you to take a closer look at that. Do a better job in negotiating for the next pilot agreement to be put in place however, my real request is that you take a step back and do the right thing and not allow this project to move forward under these circumstances because it is not right, it's never going to be right under those circumstances and if you are going to move forward with it, you need to do a better job protecting the citizens of this County. Thank you.

My name is Larry Ball and I'm a resident on Ball Road in Arkwright. As you may presume, our family has been in that area for a long, long time. My grandfather, my great grandfather served as

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Supervisors for this Town. So, this is why I come to you tonight. I don't have a handful of papers or read a prepared statement. I don't come here to talk (*inaudible*) knowledge, I come here to talk from my heart about what Arkwright means to me. When this project was first proposed, I was a member of the Town Board and I had grave concerns about what this was going to do the community that I intend to live my life out at. I've traveled throughout the State and I've been to Maple Ridge, north of Syracuse, I've been to (*inaudible*), I've been to the Town of Eagle where all projects have been built in all of these communities. The Maple Ridge is one of the largest wind turbine farms in the State. They have 196 turbines. It was a 2 year construction project and I went there the second year so I could see what it was like during construction and what it was like after they remediated after construction. I was totally thrilled to see what they had done to the area. Researching in the Town of Eagle, I talked to Town officials, I talked to residents, I talked to business people there and there was one little lady, just a little speck of a thing, and she said, "you know what is wrong with these wind companies, they didn't build enough of them". I cannot see where people have the audacity of saying that they cannot (*inaudible*). I have had my hand on the base of the towers, I know what they are, I know what they look like, I know what they sound like, but that is not what we are here to discuss tonight. We were here to discuss the contract to rent out a part of land. This, whether you vote yea or nay, is not going to affect whether that project is built in the Town of Arkwright. They may put a hindrance in a way but it's not going to stop it because the contracts are all in place. So, I feel that you should do the right thing for the County taxpayer, the proper fiscal thing. I know I wouldn't spit at \$60,000 sitting on the ground and step over it. I would reach down and pick it up and I'm urging you to vote in favor of it and pick up that \$60,000.

My name is Karen Harvey, Mayville, N.Y. Mr. Norton wants to know why people are leaving in this area. One of the reasons is the high electricity rates. Seventeen cents. You go to Pennsylvania or any other states, we're ranked about six times (*inaudible*) in the United States. You go to countries that have (*inaudible*) wind power, you will see (*inaudible*) thirty six cents a kilowatt hour. They become noncompetitive because (*inaudible*). (*Inaudible*) New York State is a result of Cuomo's political ambitions. (*Rest of statement to inaudible to transcribe accurately*).

My name is Anna Wilcox and I live in the Town of Arkwright. I am here to encourage the County Legislature to support the resolution regarding the lease of brownfield land to the company who is investing over \$100 million dollars in Chautauqua County by erecting wind turbines in the Town of Arkwright. This is the project that has the support of nearly 80% of the residents of Arkwright. This is evidenced by an election which saw an anti-turbine candidate garner just 10% of the vote. When first proposed by the Town Board (*inaudible*) was comprised of 3 to 2 majority of the councilman who supported the wind turbine project. The Board is now comprised of 5 members who support the project. Thus the project will mean a lot to Arkwright residents. It will bring approximately \$350,000 annually for the Town of Arkwright. Our total budget raises \$400,000 in taxes so you can see what this means for us. We have roughly 32 miles of gravel or should I say, mud roads, and this project means that Arkwright, one of the poorest towns in the County, can work to improve its infrastructure and perhaps offer some tax relief to Town taxpayers. The project will also provide monies to Chautauqua County as well as local school districts and (*inaudible*) districts a healthy sum to hold the line on taxes and improve services which they greatly need. I would also ask, when was the last time there was a \$100,000 of construction project in Chautauqua County? To those that have a philosophical problem subsidies, where was your outcry when Congressman Tom Reed secured millions of dollars of Federal money for a Lakeshore Hospital or when New York State awarded millions of dollars to construct a new Brooks Hospital, or at the County level when Starflight or Medivac Services (*inaudible*) County money and there were no County Legislators who voted no on providing County tax dollars to subsidize a WCA Hospital. These projects are all certain examples of government subsidies. If anyone is having issue with subsidies perhaps an amendment is in order. Lease the brownfield site to the developer for \$1.00 and that would permit the project to move forward and perhaps alleviate the philosophical issue that some may claim to have. I believe that County

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taxpayers will benefit from the lease and certainly the Town of Arkwright residents will. I hope that the County Legislature give unanimous support to the resolution. Thank you.

Chairman Himelein: Thank you. Is there anyone else to speak 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 3/22/17

6:35 P.M.

PUBLIC HEARING

EXPANSION PLAN PROPOSAL
CASTELLI AMERICA

Chairman Himelein: At this time, we have a public hearing.

Clerk Tampio: Yes, I have a statement to read. Good evening, my name is Kathy Tampio and I'm the Clerk for the Legislature for Chautauqua County. Today is April 26, 2017. The public hearing was originally scheduled for 6:35 and it is now 7:23 p.m.

Today we are holding a public hearing in consideration of the fact that Castelli American may be undertaking and expansion of their operations located at 5151 Fairbank Road in Ashville, Chautauqua County, New York. Chautauqua County is considering applying for Community Development Block Grant funds to support the expansion, and is requesting public comments.

Community Development Block Grant (CDBG) funds are intended to provide benefit to low and moderate-income individuals. Economic Development projects are eligible for CDBG funding if they create jobs, and at least 51% of those new jobs are able to be filled by low and moderate income individuals.. That is to say that over half of the jobs do not require special training or certification and on-the-job training is provided. The final job numbers for the expansion are still being determined, and will impact how much CDBG funding could be available. What is known at this point is that at least 51% of the jobs will meet the low and moderate income threshold.

The notice of this public hearing was posted in the Jamestown Post Journal and the Dunkirk Observer on March 27, 2017. Written comments were invited, and none were received by the Chautauqua County Planning & Economic Development Department.

Chairman Himelein: Thank you. Does anyone wish to speak to the public hearing? Anybody? Seeing none, we'll move to communications.

COMMUNICATIONS:

1. Proof of Publication – Public Hearing–Expansion Proposal/Castelli America
2. Letter – County Executive – Appt. to Chautauqua County Ethics Board
3. Report – Fn. Director Crow – 2017 Investment Report – February
4. Annual Report – Land Bank Corporation – 2016
5. Minutes – Chaut. County Soil & Water Conservation District-March/2017
6. Letter – NYS Comptroller – Re: Ack. Receipt of Correction Action Plan
7. Letter – Assemblyman Goodell – Ack. Receipt of Motions 4 & 5
8. Letter – NYS Dept. of State – Ack. Receipt of LL 3-17
9. Letter – NYS Dept. of Ag. & Markets – Notice Ag. District #12 Review
10. Email – To Clerk Tampio – Re: School Bus Driver Training Prgm. Funding
11. Letter – Revitalize Dunkirk

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TABLED LOCAL LAW INTRO. 2-17 (PRINT 2) – A LOCAL LAW AUTHORIZING COUNTY ASSISTANCE TO MUNICIPALITIES FOR CONSOLIDATION AND DISSOLUTION - R/C Vote: 19
Yes – Unanimously Adopted (See page 106 for text)

RES. NO. 98-17

Confirm Appointment - Chautauqua County Ethics Board

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

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

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

Benjamin Webb
158 West Lake Rd.
Mayville, N.Y. 14757
Term Expires: 1/31/20

Signed: Scudder, Vanstrom, Whitford, Muldowney

Unanimously Adopted – April 26, 2017

RES. NO. 99-17

Authorize Conveyance of an Environmental Easement to the New York State Department of Environmental Conservation on and over the Former C & B Dry Cleaners Site in the City of Jamestown

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

WHEREAS, pursuant to Resolution No. 118-04, the County of Chautauqua applied for a State Assistance Grant to develop and implement an Environmental Restoration Project with respect to the former C & B Dry Cleaners site in the City of Jamestown; and

WHEREAS, pursuant to Resolution Nos. 85-05, 197-05, and 156-07, the County Legislature accepted the State Assistance Grant and subsequent amendments to said grant from the New York State Department of Environmental Conservation for project number E907028 ("Project"); and

WHEREAS, the County entered into State Assistance Contract C302584 with the New York State Department of Environmental Conservation for such Project and appropriated the required local share pursuant to the terms of the aforesaid resolutions; and

WHEREAS, the Project has progressed such that the County is required pursuant to applicable provisions of State Assistance Contract C302584, the Environmental Conservation Law, and applicable regulations to grant an Environmental Easement to the New York State Department of Environmental Conservation, which may contain provisions regarding the use and future monitoring of this property; and

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WHEREAS, the County desires to grant the conveyance and placement of an Environmental Easement on said premises to finalize the County's participation in the Project; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the conveyance and placement of an Environmental Easement on the premises known as the former C & B Dry Cleaners site consisting of a parcel known as 370.14-1-12, formerly known as 109-3-11.2 (including 12.2) according to the Chautauqua County Tax Map for the City of Jamestown, which may contain provisions regarding the use and future monitoring of this property; and it is further

RESOLVED, That the County Executive be and hereby is authorized to execute and submit any and all documents required by the New York State Department of Environmental Conservation for the preparation of the Environmental Easement, and once prepared, to execute and enter into said Environmental Easement and any other documents necessary with the State of New York to finalize County's participation in said Project.

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong

Unanimously Adopted – April 26, 2017

RES. NO. 100-17

Close Capital Project H.1620.25929, Roof Replacement at Hall R. Clothier Building

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

WHEREAS, Capital Project H.1620.25929, HRC Roof Replacement, has been completed and can be closed; and

WHEREAS, the HRC Roof Replacement capital project was completed under budget and the estimated surplus of \$60,901 will be returned to the reserve for capital when the project is closed; now therefore be it

RESOLVED, That the Director of Finance close capital account H.1620.25929, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 101-17

Adjust Capital Account H.1620.25928 – MMB Roof Replacement

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

REGULAR SESSIONS

WHEREAS, Chautauqua County owns the Family Court portion of the Mayville Municipal Building (MMB) located at 2 Academy Street in the Village of Mayville; and

WHEREAS, the roof above the County owned portions of MMB has reached its life expectancy and there have been regularly occurring leaks that require repairs to the roof as well as interior repairs to drywall, ceiling tiles, and carpeting; and

WHEREAS, it has been recommended by service technicians and engineers that this portion of the roof be replaced; and

WHEREAS, the Town of Chautauqua owns the remaining portions of the building and has elected to replace its aging/leaking roof sections at the same time as the County in a joint roof replacement project; and

WHEREAS, there is an existing capital project account H.1620.25928 that was created for the replacement of the existing roof over the County owned portions of MMB, of which 1% has been expended to pay for the engineering phase of the project; and

WHEREAS, construction services for the roof replacement project were competitively bid and the lowest responsible bid received for the County owned portion of MMB was \$562,114.00, which is greater than the \$382,515.33 amount remaining in the capital account; now therefore be it

RESOLVED, That Reserve for Capital is appropriated as follows:

<u>INCREASE THE USE OF FUND BALANCE:</u>		
A.-----878.0000	Reserve for Capital	\$180,901

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.9950.----.9	Interfund Transfer—Interfund Transfers	\$180,901

<u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.1620.25928.4	Contractual - MVL Municipal Bldg Roof	\$180,901

<u>INCREASE CAPITAL REVENUE ACCOUNT:</u>		
H.1620.25928.R503.1000	Interfund Transfer – Interfund Transfers	\$180,901

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 102-17

Authorizing Increase to Capital Appropriations, and Increasing and Establishing Revenue Funds –
Capital Vehicle Replacement for Buildings & Grounds

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

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WHEREAS, the Chautauqua County Department of Public Facilities, Division of Buildings & Grounds appropriated funds in the budget for Capital Vehicle Replacement; and

WHEREAS, additional funds have been secured through the proceeds received from the sale of (2) two 2008 Ford 4x4's purchased from Buildings & Grounds by the Landfill; and

WHEREAS, the appropriate disposition of these funds is to increase the Capital Appropriation account and increase and establish a revenue fund for the Buildings & Grounds Capital Vehicle Replacement; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget for Buildings & Grounds Capital Vehicle Replacement:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1997.999.4	Contractual—Capital Project Expenses Vehicles: B&G	\$6,500
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1997.999.R266.5000	Sale of Property--Sale of Equipment	\$6,500
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Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 103-17

Adjust CARTS 2017 Budget to Reflect Additional Grant Funding

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

WHEREAS, New York State has recognized the need for additional funds to support rural transportation and, under the Rural Transit Assistance program, has appropriated additional funds for Chautauqua County in the amount of \$136,246; and

WHEREAS, New York State, under NYS Section 18-b Transportation Operation Assistance SFY 2016-2017 "Clean-up" Dedicated Tax Payment, has appropriated additional funds for Chautauqua County in the amount of \$449,765; and

WHEREAS, it is appropriate to accept these grant funds to provide rural transportation services in the County; and

WHEREAS, no revenue for Rural Transit Assistance was included in the 2017 operating budget; and

WHEREAS, revenue of \$275,000 for NYS Section 18-b Transportation Operation Assistance SFY 2016-2017 "Clean-up" Dedicated Tax Payment was included in the 2017 operating budget; and

WHEREAS, expenditures associated with the execution of these grants were included in the 2017 operating budget; and

REGULAR SESSIONS

WHEREAS, the budget should be amended to conform to these adjustments; now therefore be it

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

RESOLVED, That appropriated fund balance be decreased as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$ 311,011

And be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9000 NYS Aid – Transportation \$311,011

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 104-17

CARTS – NYSDOT Section 5311 Consolidation Operating and Capital Grant Application Request

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

WHEREAS, pursuant to a Federal Transit Operating Assistance Agreement between Chautauqua County and the New York State Department of Transportation (NYSDOT), valid through December 31, 2018 (C005585 / 13-25-01), the County may apply to NYSDOT for “49 United States Code §5311” federal aid and operating assistance for the provision of mass transportation services; and

WHEREAS, the County is submitting such an application to NYSDOT covering State fiscal years 2017 and 2018; and

WHEREAS, the grant application has three components including (i) funding for replacement vehicles and equipment, and a mobility manager; (ii) operating funds; and (iii) Appalachian funds; and

WHEREAS, the estimated two-year cost of the first component of the grant application is \$1,188,242, to be borne at the ratio of 80% Federal funds (\$950,594), 10% State funds (\$118,824), and 10% County funds(\$118,824) ; and

WHEREAS, the Federal share for the second component of the grant application (operating funds) is expected to be \$370,000 for fiscal year 2017 and \$381,500 for fiscal year 2018, with a required 100% funding match from the County; and

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WHEREAS, the third component of the grant application (Appalachian funds) includes \$35,000 per year to support a bus route run by TEAM services, with required matching funds borne by TEAM Services; and

WHEREAS, the grant revenues and expenditures attributable to 2017 are included in the 2017 budget; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute the 2017-2018 grant application and all other documents necessary to apply for, progress and receive such grant funds.

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 105-17

Authorize Temporary Lease of Vacant Roberts Road Property to BNSF Logistics

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

WHEREAS, the County owns and is continuing to market for sale the vacant former industrial site properties of Roblin Steel and Alumax located on South Roberts Road in the City of Dunkirk; and

WHEREAS, BNSF Logistics, subject to receiving a construction contract award, is interested in a short-term temporary lease of portions of said properties for the storage of wind turbine elements, therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute a temporary lease agreement with BNSF Logistics for the storage of wind turbine elements on portions of the Roblin and Alumax properties, on substantially the following terms and conditions:

1. Premises: Approximately 10 acres.
2. Term: Approximately 4 months to terminate no later than December 31, 2017.
3. Rent: \$15,000 per month.
4. Utilities: BNSF Logistics will be responsible for any utilities.
5. Other: As negotiated by the County Executive.

Signed: Hemmer, Gould, Wilfong, Chagnon (P.F. Nazzaro, Scudder voting "no") (A.C. Failed: 2-2 – Borrello, Nazzaro voting "no")

Adopted - R/C Vote: 15 Yes; 4 No; (Borrello, Lemon, Nazzaro, Scudder voting "no") – April 26, 2017

RES. NO. 106-17

Amend Airport Capital Project Accounts – Project #25669

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

REGULAR SESSIONS

WHEREAS, Chautauqua County approved Capital Project 25669 "Land Acquisition for MALSF Lighting at Dunkirk Airport" in the 2015 Capital Budget; and

WHEREAS, the approved cost of Project 25669 was established at \$100,000 with a funding formula of 95% Federal Aid and 5% Local Share; and

WHEREAS, the funding formula for Project 25669 should have been 95% Federal Aid, 2.5% NYS Aid and 2.5% Local Share; now therefore be it

RESOLVED, That the Reserve for Capital is adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance – Reserve for Capital \$2,500

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Capital Budget:

DECREASE CAPITAL REVENUE ACCOUNT:

H.5610.25669.R503.1000 Interfund Transfer – Interfund Transfer \$2,500

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.25669.R359.7001 NYS Aid – Airport Capital Grants \$2,500

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers – Transfer to Capital \$2,500

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 107-17

Amend Airport Capital Project Accounts – Project # 25671

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

WHEREAS, Chautauqua County approved Capital Project 25671 "Acquire Snow Removal Equipment – Dunkirk Airport" in the 2015 Capital Budget; and

WHEREAS, the approved cost of Project 25671 was established at \$400,000 with a funding formula of 95% Federal Aid and 5% Local Share; and

WHEREAS, the County Legislature approved Resolution 218-15 to accept FAA and NYSDOT grants for AIP Project 3-36-0022-051-2015 for "Purchase Replacement Airport Snow

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Removal Equipment Consisting of One Truck with a Runway Plow with Side Wings and a Material Spreader" with a total cost of \$307,218; and

WHEREAS, the funding formula for AIP Project 3-36-0022-0051-2015 is 90% Federal Aid, 5% NYS Aid and 5% Local Share; now therefore be it

RESOLVED, That the Reserve for Capital is adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance – Reserve for Capital	\$ 4,639
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Capital Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25671.4	Contractual – Acquire Snow Rem Eqp-Dnk	\$ 92,782
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DECREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25671.R459.2000	Federal Aid – Airport Capital Grants	\$103,504
H.5610.25671.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$ 4,639</u>
	Total	\$108,143

INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.25671.R359.7001	NYS Aid – Airport Capital Grants	\$ 15,361
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers – Interfund Transfers	\$ 4,639
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Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 108-17

Amend Airport Capital Project Accounts – Project # 25746

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

WHEREAS, Chautauqua County approved Capital Project 25746 "Rehab Parking Lot – Jamestown Airport" in the 2010 Capital Budget for preliminary costs of \$80,000 and a funding formula of 95% Federal Aid, 2.5% NYS Aid, and 2.5% Local Share; and

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WHEREAS, the County accepted FAA and NYSDOT grants for AIP Project 3-36-0048-41-13 "Rehabilitate Terminal Parking Lot – Jamestown Airport (Design Phase)" with a total cost of \$66,862.37 and a funding formula of 95% Federal Aid, 2.5% NYS Aid, and 2.5% Local Share; and

WHEREAS, Project 25746 was further amended in the 2015 Capital Budget for additional costs of \$970,000 with a funding formula of 97.5% Federal Aid and 2.5% Local Share; and

WHEREAS, the County accepted FAA and NYSDOT grants for AIP Project 3-36-0048-44-16 "Rehabilitate Airline Terminal Building Non-Revenue Automobile Parking Lot – Jamestown Airport (Construction)" with a total cost of \$785,000 and a funding formula of 95% Federal Aid, 2.5% NYS Aid, and 2.5% Local Share; and

WHEREAS, the County Legislature approved Resolution 199-16 which further increased the budget for Project 25746 by \$785,000 in error; now therefore be it

RESOLVED, That the Reserve for Capital is adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance – Reserve for Capital	\$ 24,578
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Capital Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25746.4	Contractual – Rehab Arprt Park Lot-Jstn	\$ 983,137
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DECREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25746.R359.7001	NYS Aid – Airport Capital Grants	\$ 328
H.5610.25746.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 958,231
H.5610.25746.R503.1000	Interfund Transfer – Interfund Transfer	\$ 24,578
	TOTAL	\$ 983,137

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers –Interfund Transfers	\$ 24,578
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Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 109-17

Adjust Budget for Building Maintenance Expenditures for Sheriff' and Building & Grounds

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

WHEREAS, the Chautauqua County Jail desires that some maintenance and repair projects be undertaken by maintenance personnel from the Buildings and Grounds department; and

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WHEREAS, the Buildings and Grounds department has personnel available to perform the work and should be compensated for said work; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.1620.R221.00TH Shared Services—Other	\$10,000
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INCREASE APPROPRIATION ACCOUNTS:

A.1620.1 Personal Services—Buildings & Grounds	\$ 5,600
A.1620.8 Employee Benefits—Buildings & Grounds	\$ <u>4,400</u>
Total	\$10,000

INCREASE APPROPRIATION ACCOUNT:

A.3150.4 Contractual—Jail	\$10,000
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DECREASE APPROPRIATION ACCOUNTS:

A.3150.1 Personal Services—Jail	\$ 5,600
A.3150.8 Employee Benefits—Jail	\$ <u>4,400</u>
Total	\$10,000

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Wendel, Whitford, Tarbrake, Chagnon, Borrello

Unanimously Adopted – April 26, 2017

RES. NO. 110-17
Amending Resolution 44-13 Regarding RPTL Article 11 Tax Foreclosure

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

WHEREAS, pursuant to Resolution 44-13, the County Legislature confirmed an amended County policy regarding the disposition of tax foreclosure properties and related procedures under Article 11, and

WHEREAS, it is appropriate that such policy be further amended due to recent court orders allowing foreclosed owners the ability to reacquire their property as late as the day before a tax foreclosure auction; therefore be it

RESOLVED, That the County Legislature hereby reconfirms a policy regarding tax foreclosure properties that amends Paragraph 4 of the policy to provide that offers to reacquire must be received on or before the day before the County's auction of foreclosed properties:

1. Schedule for Article 11 Tax Foreclosures. It shall be the policy of the County of Chautauqua to adhere to the extent practicable to the following time requirements: the filing of the list of delinquent taxes (10 months after lien date) and the petition of foreclosure (24 months after lien date). After a judgment of foreclosure has been obtained by the County, transfers of tax foreclosure properties to municipal entities, foreclosed owners, mortgagees, and purchasers at public auction pursuant to this resolution shall be accomplished as soon as practicable.

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2. Deeds in Lieu of Foreclosure – RPTL § 1170.

In lieu of prosecuting a proceeding to foreclose a tax lien on any parcel of real property pursuant to Article 11 of the RPTL, the County Department of Finance, Division of Taxation (Tax Enforcement Officer), is authorized to accept a conveyance of the interest of any person having any right, title, interest, claim, lien or equity of redemption in or to such parcel, after a review of the title search has been conducted by the County Law Department.

3. Transfers of Tax Foreclosure Properties to Municipal Entities.

A. Circulation of List of Foreclosed Properties to Municipal Entities.

The Division of Taxation shall circulate Schedule A of the Application for Default Judgment which is the list of potential foreclosed parcels to towns, villages, and cities (and their local code enforcement officers), school districts, County sewer districts, and the County of Chautauqua Industrial Development Agency (CCIDA), immediately following the filing of a petition of foreclosure in the office of the County Clerk. Any other governmental entities and local development organizations will also upon request be provided with this list.

B. Transfers to Towns, Villages, Cities, School Districts, and Municipal Corporations.

Upon receipt of a written request from any entity described in paragraph 3A above received by the County after circulation of the list and on or before the last day for redemption pursuant to RPTL, subject to approval by the County Legislature, the County shall:

(1) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 3A above for the purpose of municipal use, provided that such a transfer is in the best interest of the County, upon payment by the municipal entity of applicable recording charges and all delinquent taxes and current year taxes levied on such parcels but not yet returned to the County for enforcement; and

(2) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 3A above for the purpose of improvement or remediation for an amount based on the taxes the County previously paid to such entity when it guaranteed such taxes, provided that such a transfer is in the best interest of the County. In the event the municipal entity should resell such property, then the proceeds of such sale shall be applied first to reimburse the municipal entity for the reasonable costs of improvements or reasonable demolition costs. The remaining proceeds shall be split between the County and the municipality based on the proportionate share of outstanding delinquent taxes existing at the time of the County's transfer to the municipal entity.

C. Transfers to CCIDA and Local Development Organizations..

Upon receipt of a request from the CCIDA or a Local Development Organization received by the County on or before the last day for redemption pursuant to RPTL, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature.

4. Transfers of Tax Foreclosure Properties to Foreclosed Owners and Mortgagees.

If no timely request is received from an entity described in paragraph 3A above, the Division of Taxation shall notify the foreclosed owner and mortgagees of record by first class mail at their last known address that the County would consider their offer to reacquire the property for the amount of all delinquent taxes, interest, penalties and associated charges outstanding on the property. Any such offers with the full amount owing must be received by the County on or before the day two weeks before the County's auction of foreclosed properties, and the foreclosed owner shall have priority over mortgagees. Where more than one mortgagee makes an offer, priority shall be

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given on a first-come, first-serve basis as between competing mortgagees. Offers from foreclosed owners and mortgagees of residential properties other than owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer. Acceptance of offers shall be subject to approval of the County Legislature. The County Executive is hereby authorized to deed such properties to foreclosed owners and mortgagees that reacquire property pursuant to the parameters set forth in this paragraph.

5. Transfer of Tax Foreclosure Properties by Public Auction.

If no request is received from an entity described in paragraph 3A above, or from a foreclosed owner or mortgagee, the tax enforcement officer shall sell foreclosed properties at public auction, subject to approval of the County Legislature. Should a foreclosed owner, mortgagee, or other party with a prior interest in the property bid at the auction, their bid shall be required to be no less than the amount of all delinquent taxes, interest, penalties, and associated charges outstanding on the property.

6. Application of Policy.

A. This resolution shall not be interpreted or construed:

(1) as affecting the authority of the County Legislature to impose by resolution special requirements, restrictions, terms, or conditions applicable to a particular tax parcel, or to otherwise determine in its sole discretion whether or not, or to whom, to sell a particular tax parcel; or

(2) as conferring any rights whatsoever on prospective purchasers and transferees of tax foreclosure properties, including foreclosed owners, mortgagees, and other parties with a prior interest in the properties; or

(3) as affecting the authority of the County's tax enforcement officer to withdraw property from the tax foreclosure proceeding if warranted pursuant to RPTL § 1138.

B. The County, at its option and in its sole discretion, may cancel any sale or transfer of tax foreclosure properties at any time before the actual delivery of the deed, and the Division of Taxation shall advise all prospective purchasers and transferees that conveyances are not final until delivery of the deed has occurred, provided, however, that the failure to notify a prospective purchaser or transferee of the County's right to cancel shall not in any way abrogate the County's right to cancel.

C. The County's tax enforcement officer is hereby authorized to develop procedures and/or rules and regulations to implement the policies of this resolution.

Signed: Scudder, Vanstrom, Whitford, Muldowney, Chagnon, Borrello, Nazzaro, Gould

Unanimously Adopted – April 26, 2017

REGULAR SESSIONS

RES. NO. 111-17

Denial of Level 3 Communications, LLC Applications for Corrected Tax Rolls Form RP 554 and Applications for Refunds/Credits of Real Property Taxes Form RP 556 for the 2013, 2014, 2015, 2016, and 2017 Tax Years

By Administrative Services and Audit & Control Committees:
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 corrected tax rolls and refund/credit of real property taxes pursuant to Real Property Tax Law Section 556 for the 2013, 2014, 2015, 2016, and 2017 tax years, and

WHEREAS, the applications seek retroactive tax refunds from the County and multiple municipalities and school districts throughout Chautauqua County, and

WHEREAS, the County guarantees the tax levies of all municipalities and school districts in the County, and

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

WHEREAS, the Chautauqua County Real Property Tax Director has transmitted written reports of such investigation and his recommendations for action thereon, and

WHEREAS, the Chautauqua County Real Property Tax Director has determined that all of 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:

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 cables meet the definition of real property and constitute lines and wires pursuant to Real Property Tax Law Section 102(12)(i) and are taxable under that section. *T-Mobile v. DeBellis and City of Mount Vernon, 143 A.D.2d 992 (2nd Dept., 2016)*;

C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102 (12)(b) of the Real Property Tax Law;

D. The fiber optic cables constitute property for the distribution of light and are taxable real property pursuant to Real Property Tax Law 102 (12) (f);

E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;

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F. Real Property Tax Law Section 102 (12) 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 (12) supports the position that fiber optic cable constitutes taxable real property and is 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 Level 3 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 "outside plant" 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. Moreover, in the second RCN Decision rendered by the Appellate Division, Fourth Department, the Court expressly confirmed that telecommunications equipment is subject to real property taxation according to generally applicable provisions of the Real Property Tax Law.

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 City and 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 *Level 3 Communications, LLC v. Chautauqua County*, (Slip. Op. March 24, 2017); *Level 3 Communications, LLC v. Clinton County*, 144 A.D.3d 115 (3rd Dept., 2016). Level 3's argument that Real Property Tax Law Section 556 allows tax recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. See also *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. See *Level 3 Communications, LLC v. Essex County, supra*.

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. No tax grievances or Article 7 proceedings have been filed by *Level 3*. 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

REGULAR SESSIONS

County, 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 and hearsay 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 based upon personal knowledge from any engineer, expert, person, or employee with respect to the cable lines in question, and

WHEREAS, Chautauqua County has carefully considered and fully agrees with the investigation and recommendations of the Chautauqua County Tax Director; it is hereby

RESOLVED, That all of the Applications for Corrected Tax Rolls Form 554 and the Applications For Refunds/Credits of Real Property Taxes Form 556 filed with the County, the City of Dunkirk, the Towns of Dunkirk, Portland, Ripley, and Westfield, the Villages of Brocton and Westfield, and the Brocton, Dunkirk, Fredonia, Ripley, and Westfield School Districts for the 2013, 2014, 2015, 2016, and 2017 tax years are hereby denied in their entirety for the reasons set forth above.

Signed: Scudder, Vanstrom, Whitford, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 112-17

Consolidate Information Technology Network Equipment Capital Projects

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

WHEREAS, the Finance Department has completed reconciliation and capitalization of all Capital Projects in the H-1680 Information Technology Department as of 12/31/2016; and

WHEREAS, the Finance Department has consulted with the Director of Information Technology regarding the status of certain projects with unspent appropriations; and

WHEREAS, the Director of Information Technology concurs with the Finance Department that certain individual projects created in past years serve the same general purpose of providing for the purchase of equipment to maintain and improve the County's computer network; and

WHEREAS, the Director of Information Technology further concurs with the Finance Department that it would be more efficient to close those projects; consolidate the unspent balances into a single project going forward; and to fund that project annually through the Capital Project approval process or as needed via Budget Resolution; now therefore be it

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

JOURNAL OF PROCEEDINGS

DECREASE CAPITAL APPROPRIATION ACCOUNTS:

H.1680.601.4	Contractual – Network Services Improve	\$ 57,294
H.1680.619.4	Contractual – County Network Security	\$ 31,843
H.1680.635.4	Contractual – Network Switch Replace	\$ 87,958
H.1680.20877.4	Contractual – Wireless Network	<u>\$ 18,422</u>
	Total	<u>\$195,517</u>

DECREASE CAPITAL REVENUE ACCOUNTS:

H.1680.601.R503.1000	Interfund Transfer – Interfund Transfer	\$ 57,294
H.1680.619.R503.1000	Interfund Transfer – Interfund Transfer	\$ 31,843
H.1680.635.R503.1000	Interfund Transfer – Interfund Transfer	\$ 87,958
H.1680.20877.R503.1000	Interfund Transfer – Interfund Transfer	<u>\$ 18,422</u>
	Total	<u>\$195,517</u>

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1680.999.4	Contractual – Network Equipment	\$195,517
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1680.999.R503.1000	Interfund Transfer – Interfund Transfer	\$195,517
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Signed: Scudder, Vanstrom, Whitford, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 113-17

Accepting Grant Award for New York State Municipal Consolidation and Efficiency Competition

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

WHEREAS, in November 2016, Governor Andrew M. Cuomo announced a Municipal Consolidation and Efficiency Competition for local governments to build consortiums and compete for a \$20 million award; and

WHEREAS, under the Governor's program, teams of two or more local governments submitted plans demonstrating how government consolidations and innovative restructuring initiatives will yield reductions in local property taxes; and

WHEREAS, a preliminary plan put forth by Chautauqua County and 23 co-applicant local governments, which included recommendations from the County's Regional Solutions Commission, was selected as one of 6 finalists in the competition which entitles the County to a \$50,000 grant award in order to further develop the County's plan for the final round of the competition; and

WHEREAS, revenues and expenditures associated with the grant are not included in the 2017 budget; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all documents and other approvals necessary for the County to accept the \$50,000 grant from the New York State Department of State awarded as part of Phase I of Governor Andrew M. Cuomo's Municipal Consolidation and Efficiency Competition; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1230.R308.9000	NYS Aid—Other State Aid	\$50,000
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INCREASE APPROPRIATION ACCOUNT:

A.1230.4	Contractual—County Executive	\$50,000
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Signed: Scudder, Vanstrom, Whitford, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 114-17

Close Accounts for Completed Jail Capital Project

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Jail capital project H.3150.06917—Security Barriers (2014) has been completed and can be closed; now therefore be it

RESOLVED, That the Director of Finance, close capital account H.3150.06917 for any further expenditures, reconcile, post adjustments and begin capitalization as necessary; and be it further

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

Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 115-17

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 FY16 grant award T835669 in the amount of \$15,000, with no local funds, for the contract period from April 1, 2017 to August 31, 2019; and

WHEREAS, it is anticipated that the grant funds will not be used during the 2017 budget period so no budget adjustments will be required at this time; now therefore be it

JOURNAL OF PROCEEDINGS

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, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 116-17

Transfer Designated Fund Balance for Helicopter Operations to General Fund

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

WHEREAS, Resolution 152-91 designated the balance of proceeds from the sale of one Hiller 12E helicopter for the operation of County police helicopters and established a separate account for such purpose; and

WHEREAS, these and subsequent proceeds also designated for the operation of County police helicopters were included in capital project H.3110.511; and

WHEREAS, the unspent balance in account H.3110.511 at the end of 2016 was \$38,095; and

WHEREAS, Resolution 15-17 closed capital project H.3110.511 and designated the unspent balance in H.3110.511 for future operation of County police helicopters; and

WHEREAS, the Sheriff desires to use some of the designated funds to pay for the transportation cost of a used police helicopter donated from the U.S. Navy to Chautauqua County for future use as a police helicopter; now therefore be it

RESOLVED, That the County Legislature hereby confirms acceptance of the donation, and the Director of Finance is hereby directed to make the following changes:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Fund Balance,	Unassigned Fund Balance	\$1,750
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INCREASE APPROPRIATION ACCOUNT:

A.3110.4	Contractual—Sheriff	\$1,750
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Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 117-17

Adjust Sheriff Revenue Accounts Associated with Jamestown Community College

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

REGULAR SESSIONS

WHEREAS, in the 2017 budget, revenues and expenditures for sub-department A.3110.3121 Basic Academy were consolidated into department A.3110 Sheriff; and

WHEREAS, it would be advantageous to consolidate all revenues associated with Jamestown Community College into one account in department A.3110 Sheriff; now therefore be it

RESOLVED, That the name of account A.3110.R226.0001 be changed from Chrgs: Oth Gov—JCC Reimb to Chrgs: Oth Gov—JCC; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.3110.R226.0001 Shared Services—Chrgs: Oth Gov—JCC \$83,000

DECREASE REVENUE ACCOUNT:

A.3110.R226.0000 Shared Services —Chrgs: Oth Gov—Pub Safety \$83,000

Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 118-17

Adjust Capital Project Budgets for Burn Building and Training Center Capital Projects

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Training Center Enhancement capital project number H.3410.510 has an estimated surplus of \$15,356; and

WHEREAS, the total cost of Burn Building Reconstruction capital project number H.3410.14967 will exceed its budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.3410.510.4 Contractual—Training Center Enhance \$15,356

DECREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R503.1000 Interfund Transfer—Interfund Transfer \$15,356

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3410.14967.4 Contractual—Burn Bldg Reconst-TTC \$15,356

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.14967.R503.1000 Interfund Transfer—Interfund Transfer \$15,356

Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 119-17
Adjust Capital Project Budget for County-Wide Radio Capital Project

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

WHEREAS, pursuant to Resolution 211-12, the Chautauqua County Legislature authorized funding of the County's local share of a radio narrow banding project; and

WHEREAS, the budget for County-Wide Radio capital project number H.3110.06759 reflects only revenue and expenditures associated with the Round 2 Statewide Interoperable Communications Grant (SICG) authorized by Resolution No. 64-13, and does not include all revenues and costs of the project; and

WHEREAS, the Chautauqua County Office of the Sheriff has sufficient funds in a reserve account to purchase equipment for the County-Wide Radio capital project; and

WHEREAS, pursuant to Resolution No. 88-17, \$336,196 was returned to the Reserve for Capital due to the closure of the Emergency Communications and Dispatch capital project H.3110.542; and

WHEREAS, the estimated total expenditures for County-Wide Radio capital project number H.3110.06759 are now available; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance, Reserved Fund Balance—Reserve for Capital	\$336,196
A.-----891.0000	Fund Balance, Reserved Fund Balance—Misc. Reserve: W-911	<u>\$ 37,031</u>
	Total	<u>\$373,227</u>

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$373,227
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06759.4	Contractual—County-Wide Radio Project	\$373,227
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06759.R503.1000	Interfund Transfers—Interfund Transfer	\$373,227
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Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

REGULAR SESSIONS

RES. NO. 120-17
 Authorize County Executive to Execute the Resource Allocation Plan

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

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services ("OCFS") is dispersed through a Resource Allocation Plan ("RAP"); and

WHEREAS, signing the RAP will qualify the County of Chautauqua for State reimbursement for the 2017 program year; and

WHEREAS, the amount approved for allocation to the County is \$152,596.00; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations and Budgets for the agencies listed on the program summary; and

WHEREAS, the County RAP shall be deemed executory to the extent of monies made available to OCFS through the State of New York for a Local Assistance program; and

WHEREAS, the 2017 Budget for the Youth Programs department includes revenues and expenditures of \$231,018 applicable to the RAP and the 2017 Budget for the Youth Bureau department includes revenues and expenditures of \$17,353 applicable to the RAP; now therefore be it

RESOLVED, That the Resource Allocation Plan is approved to be executed by the County Executive; and it is further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following adjustments to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.7310.----.4	Contractual – Youth Programs	\$95,775
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DECREASE REVENUE ACCOUNT:

A.7310.R382.0000	NYS Aid – Youth Programs	\$95,775
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 121-17
 To Accept NYSDOH Nurse Family Partnership Legislative Grant

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

JOURNAL OF PROCEEDINGS

WHEREAS, the New York State Department of Health has awarded a legislative grant to the Catholic Medical Partners, which is being awarded to the Chautauqua County Health and Human Services Department to support Nurse Family Partnership activities for the period 4/1/16-3/31/17 in the amount of \$23,649; and

WHEREAS, the Nurse Family Partnership program is a voluntary, cost effective, and evidence-based nurse home visitation program designed to improve pregnancy outcomes, child health and development, and self-sufficiency for eligible first time parents; and

WHEREAS, the 2017 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual – Public Health Admin—Nursing	\$23,649
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INCREASE REVENUE ACCOUNT:

A.4010.NURS R348.9FOU	NYS Aid – Other Health: NFP	\$23,649
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 122-17

Amend Chautauqua County Health & Human Services 2017 Budget for Rollover of Rabies and Tobacco Enforcement Program (ATUPA) 2016-2017 COLAs

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

WHEREAS, revenue and expenditures for the Rabies 2016-2017 COLA and Tobacco Enforcement Program (ATUPA) 2016-2017 COLA were budgeted during 2016; and

WHEREAS, the Rabies and ATUPA COLA spending was not completed during 2016, and must be finalized by March 31, 2017; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4042.4	Contractual –Rabies Control	\$ 748
A.4090.4	Contractual –Environmental Health	<u>\$ 2,836</u>
	Total	\$ 3,584

INCREASE REVENUE ACCOUNTS:

A.4042.R345.0000	NYS Aid – Rabies Other Public Health	\$ 748
A.4090.R345.0ATC	NYS Aid – ATUPA COLA	<u>\$ 2,836</u>
	Total	\$ 3,584

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Borrello, Gould

REGULAR SESSIONS

Unanimously Adopted – April 26, 2017

RES. NO. 123-17

To Amend the Chautauqua County Health & Human Services 2017 Budget for Additional Catholic Health Partners Funding for Nurse Family Partnership Program

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

WHEREAS, Catholic Medical Partners has awarded an additional \$159,262 to Chautauqua County to expand the Nurse Family Partnership program by increasing program staffing from 2.5 to 4.0 full time equivalents; and

WHEREAS, the Nurse Family Partnership program is a voluntary, cost effective evidence-based nurse home visitation program designed to improve pregnancy outcomes, child health and development, and self-sufficiency for eligible first time parents; and

WHEREAS, the 2017 Chautauqua County Adopted Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1 Personal Services – Public Health Admin--Nursing	\$ 99,540
A.4010.NURS.8 Employee Benefits – Public Health Admin—Nursing	\$ 59,722
Total	\$159,262

INCREASE REVENUE ACCOUNT:

A.4010.NURS R168.9FOUN Departmental Inc. –	
Oth PH Inc: Health Foundation	\$159,262

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 124-17

Authorize Allocation of 3% Occupancy Tax Funding from the 2017 Reserve Account for the LECOM Health Challenge

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

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

WHEREAS, Peek 'n Peak Resort was identified by Destination Development Incorporated in a Chautauqua County Visitors Bureau study as one of only three "primary lures" existing in Chautauqua County as a local attraction which provides potential visitors a key reason to travel to the County as a destination and thereby as a single destination generates \$226,000 (15%) of the annual occupancy tax collected; and

JOURNAL OF PROCEEDINGS

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and Chautauqua Region Economic Development Corporation (CREDC) worked in conjunction with PGA Web.com to bring the LECOM Health Challenge to Peek 'n Peak Resort for four years (2016 - 2019); and

WHEREAS, the LECOM Health Challenge creates a unique attraction event at Peek 'n Peak Resort; serves as a catalyst for attracting tourists to Chautauqua County; and brings national attention to the many tourism assets Chautauqua County has to offer; and

WHEREAS, the LECOM Health Challenge is an important tourism event for Chautauqua County as a whole to support and benefit from; and

WHEREAS, as of April 2017, the undesignated balance of the 3% Occupancy Tax Reserve Account was \$212,207; and

WHEREAS, the County of Chautauqua desires to appropriate \$75,000 of the 3% Occupancy Tax Reserve to offset expenses associated with further development of the LECOM Health Challenge as a tourist attraction; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement in the amount of \$75,000 of 3% Occupancy Tax funding from the 2017 Reserve Account to offset expenses associated with further development of the LECOM Health Challenge as a tourist attraction; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883 Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax	\$75,000
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And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry--Tourism	\$75,000
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Signed: Borrello, Chagnon, Odell, Nazzaro, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 125-17

Amend Resolution 193-16 - Commitment of Matching Funds for New York State Department of Environmental Conservation/New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant Program for the Lakewood – Busti Stormwater Management Engineering Study

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

REGULAR SESSIONS

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development (PED), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti have partnered to provide grant writing, local match commitment, grant administration services, and technical services to procure funding to deliver an engineering study to improve water quality and stormwater management, which will inventory current stormwater infrastructure and identify stormwater projects that can be pursued in the future that will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, the 2016 CFAs include Round 6 of the New York State Department of Environmental Conservation / New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant (EPG) program, which offers grant funding to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects; and

WHEREAS, the ultimate goal of the EPG program is to advance water quality projects to construction and successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program or other funding entities to further pursue the identified solutions; and

WHEREAS, the PED, Alliance, Village of Lakewood, and Town of Busti have identified the Lakewood – Busti Stormwater Management Engineering Study for application to the EPG grant program, which provides reimbursement for up to 80% of the cost of water quality improvement projects with a maximum award of \$100,000.00, with applicants providing the remaining local match contribution of at least 20% of the total project costs; and

WHEREAS, the Village will be the grant applicant, partnering with the County and the Town of Busti for match funding, and the Alliance for grant writing, grant administration and project implementation oversight; and

WHEREAS, the total study costs have been identified at \$136,500 resulting in EPG requested funding of \$100,000.00 and local match needs of \$36,500; and

WHEREAS, the Village of Lakewood and the Town of Busti have resolved to provide \$5,000 each toward the local grant match, leaving \$26,500.00 in needed additional local funding; and

WHEREAS, the 2% Occupancy Tax Reserve fund has an undesignated fund balance of \$331,711; and

WHEREAS, by Resolution 131-15, the County reallocated capital project program dollars to specifically provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed and has \$81,251 still available; and

WHEREAS, the County committed to provide a match of \$26,500 in local funding to the EPG grant program for the Lakewood – Busti Stormwater Management Engineering Study under

JOURNAL OF PROCEEDINGS

Resolution 193-16 with \$13,250 from the 2% Occupancy Tax Reserve fund and \$13,250 from the reallocated Alliance capital projects program funds established under Resolution 131-15; and

WHEREAS, the Village of Lakewood and the Town of Busti have been successfully awarded a CFA grant to complete the project; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all documents with the Village of Lakewood and Town of Busti in connection with this project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway	\$13,250
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And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$13,250
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4699.0000	Contractual – Chaut Lake Management Comm	\$13,250
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DECREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R503.1000	Interfund Transfers—Interfund Transfer	\$13,250
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37988.4699.0000	Contractual -Village of Lakewood	\$26,500
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37988.R503.1000	Interfund Transfers—Interfund Transfer	\$26,500
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Signed: Borrello, Chagnon, Odell, Nazzaro, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 126-17

Amend 2016 Budget for Year End Reconciliations – Final Adjustment

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, some department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, some departments have revenues in excess of budget; therefore be it

REGULAR SESSIONS

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

INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.4	Contractual - Office for the Aging	\$36,769
EL.8160.6000.8	Employee Benefits - Environment--Closed Landfills	\$13,947
EL.8160.7000.8	Employee Benefits - Environment--Recycling	\$962
ESN.8130.8132.8	Employee Benefits - Sewage Treatment--Sewage Treatment	\$507
ESS.8130.----.8	Employee Benefits - Sewage Treatment	\$6,792
EW.8310.----.8	Employee Benefits - No Co Ind Water District #1	\$50
H.1997.999.4	Contractual - County Vehicle Replacement--Vehicle Replacement	<u>\$31,991</u>
	- Total	\$91,018

DECREASE APPROPRIATION ACCOUNTS:

A.6772.----.8	Employee Benefits - Office for the Aging	\$36,769
EL.8160.7000.4	Contractual - Environment--Recycling	\$14,909
ESN.8120.8122.8	Employee Benefits - Sanitary Sewers--Sanitary Sewers	\$507
ESS.8130.----.4	Contractual - Sewage Treatment	\$6,792
EW.8120.----.4	Contractual - Sanitary Sewers	<u>\$50</u>
	- Total	\$59,027

INCREASE REVENUE ACCOUNT:

H.1997.999.R503.1000	Interfund Transfer	\$31,991
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Signed: Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 127-17
Confirming 2017 Salary of Public Defender

By Public Safety and Audit & Control Committees:
At the Request of Chairman David Himelein:

WHEREAS, pursuant to Resolution 3-16, the County Legislature established the 2017 salary of the Public Defender to be an annual base salary of \$76,500 with an additional salary supplement to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) with no local share; and

WHEREAS, pursuant to Resolution 83-17 adopted by the County Legislature on March 22, 2017, the County accepted a \$269,919.00 grant from OILS which contains \$50,000.00 to be utilized for the additional salary supplement for the Public Defender in 2017; and

WHEREAS, the Budget Director has calculated the appropriate allocation of the \$50,000.00 as between salary and benefits expense; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That pursuant to Resolution 3-16, the County Legislature hereby confirms the amount of \$41,287.85 as the additional 2017 salary supplement for the Public Defender to be funded by the grant from OILS referenced above with no local share.

Signed: Wendel, Whitford, Tarbrake, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 19 Yes - April 26, 2017

RES. NO. 128-17

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

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

WHEREAS, pursuant to Chapter 320 of the Laws of 2015 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, 2015 through November 30, 2017, 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 continued in Chapter 320 of the Laws of 2015, to take effect December 1, 2017 and continuing through November 30, 2019; 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, Vanstrom, Whitford, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

RES. NO. 129-17

Requesting Continuation of State Legislation Authorizing 1.0% Additional Sales Tax

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

WHEREAS, as recommended by the 2015 report of the County's Deficit Reduction Commission, the additional sales tax of 1% commencing December 1, 2015 has allowed the County to preserve a satisfactory fund balance, attain a structurally balanced budget, and lower real property taxes even in the face of a continued rise in mandated expenses; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable

REGULAR SESSIONS

law to authorize the County of Chautauqua to continue to impose an additional sales tax of one percent (1%) for the period December 1, 2017 through November 30, 2019; 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, Vanstrom, Whitford, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – April 26, 2017

LOCAL LAW
INTRODUCTORY NO. 4-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 1-83
PROVIDING FRINGE BENEFITS FOR MANAGERIAL EMPLOYEES

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

Section 1. Section 4 of Local law No. 1-83 is hereby amended to read as follows:

Section 4. The benefits set forth above will be applicable to all employees in the management salary plan, elected officials and all other management employees not covered by a collective bargaining agreement with the County of Chautauqua, provided that such employees who work less than 50% of full-time will receive no benefits hereunder and such employees who work more than 50% but less than 90% of full-time will be eligible for health insurance and the physical examination but will receive other benefits on a pro-rata basis. Legislators, Coroners and the County Historian are excluded from coverage under this benefit plan. Effective at the commencement of each of the next new terms of office of the County Executive, County Clerk, Sheriff, and District Attorney, the managerial benefits of longevity, vacation carryover, and vacation sell-back shall be discontinued for each of said elected officials at the start of his or her new term.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

Emailed: 3/10/17

Adopted by Legislature: 4/26/17

Public Hearing by County Executive: 5/11/17

Adopted as LL 5-17

R/C Vote: 19 Yes

Date State Filed: 5/23/17

2nd Privilege of the Floor

Thank you for this opportunity, my name is Joanie Bretl of Sinclairville. *(At this time, emergency alarm, (Mayville's Fire Department) was going off and not all of statement audible enough to transcribed accurately)....* Speaking in opposition to the wind project.

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Thank you again, Mark Twitchell from Fredonia. I want to express my appreciation for each of the Legislators listening to our point of appeals. I certainly appreciate the position that you are in and actually squeezed into a situation that almost (*inaudible*) by conditions beyond your control. On one hand, you have townships which are making the regulations allowed for turbines and Mr. Niebel, so you know, we did approach the townships and in the case of the township of Arkwright we had difficulty because before we could even communicate to them our concerns, 10 of their municipal officers had already signed leases with the wind company. So that is why, again, we were here last month (*inaudible*). So, on the one hand, the townships (*inaudible*) compromising your ability and to your legislative authority to put forward (*inaudible*) underhanded by the State. New York State is promoting (*inaudible*) by the very organizations that we trust that will suit our interest. Those organizations, Department of Environmental Conservation, Department of Health. These organizations cannot do their jobs representing the citizens because they must (*inaudible*) agenda of the Albany administration and the misinformed green agenda to allegedly reduce carbon dioxide by (*inaudible*) renewal resources that require fossil fuel backup. So again, I can understand the position that this body is in. But, please don't think of that these wind farms in Arkwright, Villenova, or Cassadaga are the end of it. We hope that as we continue to speak before you, as we continue to see before you as these wind farms expand that this body will find ways to represent us and the other citizens in the County who, as these wind farms expands, will become more and more concerned. Thank you.

Patty Greenstein from Town of Charlotte. I would just like to address one of the Legislators, I'm not sure who it was because we see the back of your heads but one of you talked about how all of this is decided by our town boards. I think the part that you're not (*inaudible*) missing out on is that many of these were conducted without ever notifying the public about what was going on. Part of the SEQRA for the Town of Arkwright and the Article 10 that the Town of Charlotte is using, requires that the wind turbine companies have a PIP agreement which stands for the Public Involvement Program. It's very specific and (*inaudible*) they're a (*inaudible*) development program and they violated every single one of them. In fact, that was one of the key issues that we have going on right now with our case with the DEC and (*inaudible*). So when you say that our towns did their job, they really didn't and Mr. Spitzer who was the attorney for Cassadaga, Stockton, Cherry Creek, I think every town in Charlotte who did their zoning, he convinced our uneducated town board with four people, I don't know what their educational background is but they are not doctors, they are not hearing specialists, they are not engineers, they made decisions with an attorney, Mr. Spitzer, who worked hand in hand with the wind turbine company. Most importantly, nobody, many, many people still don't even know the project is going on and I really feel that we are going to end up prevailing on the (*inaudible*). I think that we are going to prevail in the situation. I really hope the State comes out and finds in our favor. I think that we have a good chance of having them come out we have proved time and time again, that not only did they fail to keep their promises of the PIP agreement and keep the public informed at every stage of this project, by mass mailings and publically getting the word out, they did not do any of that. And even in the Town of Arkwright, they were even shadier in the way they did it. So how do we, just normal regular citizens work with our town officials (*inaudible*) secrets behind closed doors? You, as our Legislators and legislative government, and for those of you who did vote yes, at some level you are culpable of what is happening to this County. I hear people bring up church events and all this kind of stuff and like I said, I hate pound on the whole prayer thing. We're all going to go to church on Sunday, many of us, I don't know what you would do or what he would do but I really think that people need to look at this. We, the people here, were never notified and I think at this point and time our only legal recourse is to keep working with the (*inaudible*) that prove these companies violated the PIP agreement. I thank you for your time. I am grateful for the time that you have given us. I would think one by one if you start to educate yourselves that you can bring you all over to understand what implications of what these projects are. And I thank you for your time.

Tina Graziano, Town of Villenova. I want to thank everyone that voted for us. We appreciate it, you guys get it, you understand it and I thank you for that. These projects are only

REGULAR SESSIONS

going to benefit landowners, township bank accounts, and the companies. I see Arkwright decided to leave. At a recent Town of Charlotte board meeting, the board members agreed and shared with the public that there will not be any tax relief given to the taxpayers and it's these taxpaying residents that will suffer the biggest loss. Arkwright's project is also not reducing their taxes. We have a 2007 *(inaudible)* B90 turbine manual and the turbine is 410 feet tall and the manufacturer, *(inaudible)* recommends that people do not stay within a 1,300 foot radius of those turbines but yet the lawyers suggests a 1,000 foot setback. Is that a conflict? Ice throw can be 1,700 feet. Who is responsible for those damages? Who will be forced from their largest assets and who will not recover their loss as no buyer wants to invest in a property located and labeled as an industrial? You should notice that all three spots are similar. Same *(inaudible)* back and sound level of decibel which is too high to live with. These will make homes unbearable to live in. Families will be forced to leave and find safety elsewhere and homes will go unsold. These projects all have the same wind lawyer, Dan Spitzer. Coincidence? No way. He is leading all three projects. This ensures the absolutely minimum dangerous guidelines will be the same across the board to be able to allow as many turbines possible. The wind company pay the townships for him so essentially the lawyer is paid for by city wind. Is that a conflict? One lawyer, similar numbers in all three projects. Who is leading who? That is conflict. No longer *(inaudible)* support such callous, disrespect to residents and reckless business tactics. All these projects have failed to notify all residents in their townships by guaranteed postal mail. *(Inaudible)* has found that Chautauqua County should not endorse or promote this underhanded business. These 490 foot turbines are not made to be placed in a residential area. These turbines contain approximately 400 gallons of oil and how green is that? So you do your own research and go and ask the applicant for honesty as you will only get the fairytale version. This is what they did with potential land signers. Don't ask a traveling salesman for facts? Their paycheck depends on how they feed you and what you want to hear. Zero long term jobs will be created. Maintenance will be performed by *(inaudible)* and will go from facility to facility. They do not need to live here. No one is going to want to live here. Beautiful Arkwright hill is no more, it's a war zone. An enormous amount of trees have been leveled to make for green energy. How does that even out? The is absolutely *(inaudible)*. These *(inaudible)* people come to spend their leisure time here will no longer *(inaudible)* attract people to come and enjoy the beauty. Seventy three thousand New Yorkers have left this State in 15' and 16'. Over 5,000 from Chautauqua County and more will leave if you let this company destroy the landscape and living areas. We live here because we don't want live in city. It's *(inaudible)*, peaceful and the beauty that keeps us here. We chose to *(inaudible)*....., destroy that and more will leave. Believe me, I've heard already *(inaudible)* participating landowners get their money, they will keep their land in order to continue and deposit their subsidize payments. They will buy and live far away from here. Many of these fine landowners can't wait to retire and leave. I know this because I know a lot of people. So the word is out and that being said, this *(inaudible)*. You are our last stop *(inaudible)* town boards are uneducated in this area of business and follow the lead of a lawyer that has pushed for the wind industries. It's obvious how he benefits. The board members are blinded by the money and *(inaudible)* research everything and are unaware of the negative impact. I will repeat myself, this project will absolutely devastate this area. We are hardworking residents and deserve to be heard. We want the right to remain healthy and *(inaudible)* enjoy the serenity of our well invested homes. Take a ride to Arkwright, on Center Road between Straight Road and *(inaudible)*, it's disgusting and heartbreaking. The view has been destroyed and forever gone.

Robert Holland, I live on Center Road in Arkwright. I am going to deviate a little bit from this and give you something to think about that might actually change the poverty level in this County. *(Inaudible)* my wife is a provider of medical services and has been in business for 30 years. So, what we learned is that services that are provided in this region, including Buffalo, their *(inaudible)* is half of what Rochester is. What that means is, there is a general wrapping of funds throughout this whole region. It helped explain why there is poverty here. The justification for this doesn't exist and one person in Albany is really deciding this fate. I think we need to investigate how that particular process

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is done, contact that person and contact the Governor and ask him why. Because it's expensive to live in Rochester, it's expensive to live in Buffalo. It's expensive to live in a rural area like Chautauqua County (*inaudible*) and all that kind of stuff. There has to be a good reason and it has to do with insurance. There is no competition with insurance companies in Rochester nor in Buffalo. This brings a lot of money (*inaudible*) and help fund your (*inaudible*) homes, your hospitals. So I think that it has something (*inaudible*) your budget.

My name is Rob (*Unknown*). I just wanted to say briefly that I appreciate all of you giving your attention to (*inaudible*). Is this Mr. Niebel?

Legislator Niebel: Right here.

Unknown Speaker: Yeah, I see that everybody else is been pretty much giving their eyes and ears up here but, I don't know maybe you aren't really paying too much attention. But, -

Legislator Niebel: I'm listening.

Unknown Speaker: I know, I know. But when I look at everybody and see them looking up here, I see you (*inaudible*) and you are the one that made the comment about, you said about the town board meetings and such. But, I just wanted to echo what Patty Greenstein said. This was all unknown to us until like January and there was going to be a phone call is when we found out that turbines were coming into our area. It wasn't because we are ignorant or living under a rock, we're just living out there. But, I just kind of wanted to let you know that, if it (*inaudible*) in the County, see what kind of response we had and the people here (*inaudible*). We would have done that just as much at a Town Board meeting to but we really didn't know (*inaudible*). It wasn't until about January that I first heard about it. As far as the wind turbines, the company, and even our town board, they say it's a \$100 million dollar project. But you have an industrial zone come into our neighborhood and we don't even know about it. Nobody did. Thanks, that's all that I want to say.

My name is Fred Bretl, Town of Arkwright. I would just like to thank you all for your public service and I'm very proud of your efforts in doing what is right for the citizens of this County. I would like to thank Mr. Borrello, Mr. Nazzaro, Mr. Lemon, and Mr. Scudder for their support tonight in voting no for the lease agreement. This is not over. We are going to persist and I know that you have your hands tied and are limited. I think our efforts are to bring forward information to you all so that you can become educated and share with your peers and colleagues and constituents some of the same things that we're concerned about. So, from that point, our fight is ongoing. They are (*inaudible*) some of the projects is well underway. Probably will move forward unless there is an act of Congress or an act of God that will stop it. I have to apologize to them because years ago, I have to admit, I was for it. I was for the project and I became more educated over time and the more I learned, the more I found that it was not a great project for this area. They are not suited to be (*inaudible*) in a residential area, in an agricultural residential area is residential. And the setbacks cannot be met to accommodate them. They might be fine in Kansas, and Texas where there is no population but not in Western New York so Arkwright continues and I thank you very much again.

Chairman Himelein: Anyone else to speak to the privilege of the floor?

MOVED by Legislator Gould, SECONDED by Legislator Lemon and duly carried the meeting was adjourned. (8:20 p.m.)

Regular Meeting

REGULAR SESSIONS

Chautauqua County Legislature
Wednesday, May 24, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel, the minutes were approved. (4/26//17)

1st Privilege of the Floor

Bonnie Peters, President CSEA Local 807 & CSEA Region 6 Secretary

I come before you to speak on Res # 139-17 - The Government Reduction Initiative Plan. This resolution is made to encourage the merging and dissolution of Villages and Towns.

You should know that as of now at least 63 dissolutions have failed in WNY. This shows us that voters believe in the layer of government that's closest to them and that they have continually rejected attempts to take away or reduce the locally provided services upon which they rely. In 2010 the Village of Seneca Falls voted to merge with the Town of Seneca Falls effective January 2012. The dissolution of the village resulted in the resident's taxes going up. This proves that dissolutions do not always result in lower property taxes; in fact, in almost every instance where a village has been dissolved, the realized tax savings were significantly smaller than those promised prior to the vote. While dissolution does not universally mean lower taxes, it does however almost always result in a reduction in the services that residents have come to rely on.

In simply looking at Seneca Falls and acknowledging that not every merger results in a tax savings, then hopefully you can also see that passing a resolution which prejudices all dissolutions and mergers to be beneficial to the county is premature at best. I'm sure that almost all legislators sitting here today pride themselves on being proponents of small government. Despite Andrew Cuomo's attempt to have Albany sway village voters into dissolving, these 63 failed dissolution attempts demonstrate that the decision to dissolve or not should be made by the village voters rather than by outside interests. As such, the last thing we need is the county legislature, here in Mayville, telling the residents of Silver Creek, of Lakewood, or of Fredonia, just to name a few, what's best for them.

As a tax payer, I wholly applaud the county's attempt to save tax dollars. However, I would encourage the county to look at all of the waste in the IDA before you encourage towns stripping away the vital services their residents have come to depend on.

Look no further than the recent instance of when the Directors of the IDA authorized the cancelation of \$1 M in loans to Jamestown MVP Plastics, LLC that had goals of producing 125 jobs at least in the first phase. How many new jobs did our \$1 M plus create for our county?

The Chautauqua County IDA Uniform Tax Exemption Policy and Guidelines # F addresses the Recapture of Benefits. Has our IDA ever utilized the claw back of funds? Did we get any of the money back from the aforementioned Jamestown MVP Plastics? This is not an isolated occurrence.

I do not oppose the use of PILOT agreements or other incentives to attract business in an attempt to revitalize our county's economy. However, the IDA should be judicious and vigilant any time they give out tax payer's resources. The countless millions wasted on the IDA's failed inducements far out weight the paltry savings the county could hope to enjoy even if all of the encouraged dissolutions came to fruition.

Is there a member of labor on the IDA board? No there isn't, I have to wonder with so much of our county being laborers why isn't there?

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I believe being open, honest and transparent to the people of Chautauqua County regarding the IDA is important. So I ask you before you establish a plan to give away tax dollars by cutting local services you should first reevaluate the IDA and tell the tax payers why we just gave away a million dollars.

When making these decisions I urge the legislature to choose to be penny wise rather than pound foolish. Thank you.

Chairman Himelein: Anyone else who wishes to speak to anything on the agenda? Anyone else? Seeing none, we'll move on.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 4/26/17

PRESENTATION: FISHING ESSAY AWARDS

COMMENDATIONS: DUNKIRK-FREDONIA STEELERS
HOCKEY TEAM

2017 EUROPEAN CELTIC WRESTLING
SILVER MEDALIST
PAUL M. WENDEL, JR.
By Legislator Mark Tarbrake

COMMUNICATIONS:

1. Letters (2) – County Executive – Apptmts. to Various Board
 2. Letter – NYS Dept. of Public Service – Re: Consolidated Communications Holdings, Inc & Fairpoint Communications, Inc. Joint Petition
 3. Reports – From Fin. Director Crow - Investments – March/April 2017
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RENEW & AMEND – RES. NO. 175-16 – Approval of Interim Funding & Establishment of Capital Accounts for North Chautauqua County Water District (See pg. 188 in 2016 Journal for text)

MOVED by Legislator Nazzaro, SECONDED by Legislator Wendel to move to the floor.

Unanimously Carried

MOVED by Legislator Wendel, SECONDED by Legislator Tarbrake to amend year to 2017 from 2016 in the 1st RESOLVED clause.

Unanimously Carried

RENEW & AMEND RES. NO. 175-16 as amended – Unanimously Adopted – May 24, 2017

REGULAR SESSIONS

RES. NO. 130-17

Approval of Inter-Municipal Agreement Between the North Chautauqua County Water District and the Village of Brocton

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

WHEREAS, pursuant to Resolutions 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, the Village of Brocton (the "Village"), which will be one of the six (6) municipal purchasers of water from the District, has been offered a \$2,000,000 grant and a \$5,575,500 interest free loan from the New York State Environmental Facilities Corporation (NYSEFC) to pay for a portion of the proposed capital improvements for the District, to include the construction of a new 500,000 gallon water storage tank on the site of the Village water treatment plant, a new water booster pump station on the site of the Town of Portland water storage tank on NYS Route 5, and the installation of 10,000 linear feet of 8-inch PVC and 28,000 linear feet of 16-inch PVC along NYS Route 5 and Willow Road, along with valves, fire hydrants, and appurtenances (the "Capital Improvements"); and

WHEREAS, in order for the Village and the District to take advantage of the aforementioned NYSEFC grant and financing, it is necessary for the Village to own the Capital Improvements during the term of the NYSEFC loan, and enter into an inter-municipal agreement ("IMA") with the District for the use, operation, maintenance, and payment of the debt service on the loan; therefore be it

RESOLVED, That the County Legislature hereby authorizes the District to enter into an IMA with the Village relating to the Capital Improvements to be financed by the grant and interest free loan from NYSEFC, on substantially the following terms and conditions:

1. Use, Operation, and Maintenance. During the term of the IMA, the District shall have exclusive use of the Capital Improvements for District purposes, and be solely responsible for the operation and maintenance of the Capital Improvements.
2. Term. The term of the IMA shall extend to the end of the term of the loan between NYSEFC and the Village, being thirty (30) years after the date the Village closes on the long-term financing with NYSEFC.
3. Payment. The District will make an annual payment to the Village equal to the amount of the Village's NYSEFC debt service payment obligation.
4. State Reimbursement. In the event the Village receives partial reimbursement for the Capital Improvements from the New York State Department of Corrections and Community Supervision (DOCCS), the reimbursement funds shall be transferred to the District.
5. Transfer of Capital Improvements Upon Termination of IMA. After the last loan payment is made by the Village to NYSEFC, the ownership of the Capital Improvements will be transferred by the Village to the District.
6. Other. As negotiated by the Chairman of the District, subject to approval as to legal form by the County Attorney.
- 7.

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

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Unanimously Adopted – May 24, 2017

RES. NO. 131-17

Confirm Appointment – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors

By Public Facilities Committee:
At the Request of Chairman David Himelein:

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

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

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

<p>Henry G. Walldorff 10576 Temple Rd. Dunkirk, N.Y. 14048 Term Expires: 12/31/18</p>	<p>Replaces Robert Penharlow</p>
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 132-17

Confirm Appointment – 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 appointment for action by the Chautauqua County Legislature; therefore be it

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

Nicodemo Piccolo
1 Burgess Street
Silver Creek, N.Y. 14136
Term Expires: 6/30/17

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

Unanimously Adopted – May 24, 2017

REGULAR SESSIONS

RES. NO. 133-17

Confirm Appointment & Re-Appointments - Chautauqua County Aging Advisory Boardt

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 Aging Advisory Council.

Re-Appointments:

Marie Carrubba, Esq.
19 Widrig Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Russell E. Diethrick Jr.
153 Hallock Street
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Dan Girts
4911 Baker St. Ext. Lot 24
Ashville, N.Y. 14710
Term Expires: 12/31/17

Mary Anne Johnston
3784 Victoria Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/17

David L. Larson, PhD.
3101 Straight Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/17

New Appointment:

Max Martin
PO Box 371
Dewittville, N.Y. 14728
Term Expires: 12/31/17

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

Unanimously Adopted – May 24, 2017

RES. NO. 134-17

Authorize Agreement w/ NYSDOT for Performance of Federal-Aid Project PIN 5762.12

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

WHEREAS, the Project for the Replacement of the County Bridge 998, Matteson Street over Canadaway Creek, BIN 3326080, in the Village of Fredonia, Chautauqua County, PIN 5762.12 (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 \$300,000, to be borne at the ratio of 95% Federal funds and 5% County funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; 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 Project PIN 5762.12; and

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WHEREAS; the local share is calculated to be \$15,000 and can be covered with existing funding in account D.5112.390; 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 Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project 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 Chautauqua County hereby agrees that the Project will be advanced to the funding obligation stage within eighteen (18) months of execution of the State agreement and that the Project shall be completed within THREE years of commencing construction; 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 – Capital Improvements, County Bridge Program	\$285,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid – Surface Transp Program	\$285,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Borrello

Unanimously Adopted – May 24, 2017

RES. NO. 135-17

Amend Resolution 17-15 Authorizing FBO Lease Agreement w/ Jamestown Aviation Company, LLC
("JAC") at the Chautauqua County/Jamestown Airport to Include Short-Term Automobile Rental
Concession Lease Agreement

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

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WHEREAS, pursuant to Resolution 17-15, the County authorized a lease agreement with Jamestown Aviation Company, LLC ("JAC") to operate a full-service fixed base operation (FBO) at the Chautauqua County/Jamestown Airport; and

WHEREAS, for many years, the Chautauqua County/Jamestown Airport offered an automobile rental service to the general public in Chautauqua County through an automobile rental concession vendor located on the premises; and

WHEREAS, the most recent automobile rental concession vendor decided not to renew its lease with the County, thus leaving the Chautauqua County/Jamestown Airport without this much-needed service; and

WHEREAS, the County has been unable to attract another automobile rental concession vendor to the Chautauqua County/Jamestown Airport; and

WHEREAS, JAC, for the mutual benefit of the FBO and the County, plans to enter into an agreement with Hertz Rent-A-Car to provide an automobile rental service to FBO customers and the general public at the Chautauqua County/Jamestown Airport; and

WHEREAS, the County and JAC have negotiated terms and conditions of a short-term automobile rental concession lease agreement at the Chautauqua County/Jamestown Airport; and

WHEREAS, the County desires to give JAC permission to perform this non-aviation activity under JAC's current FBO lease agreement by amending said agreement to include a short-term automobile rental concession lease agreement; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to amend the current FBO lease agreement with Jamestown Aviation Company, LLC ("JAC") and execute a short-term automobile rental concession lease agreement at the Chautauqua County/Jamestown Airport on substantially the following terms and conditions:

1. Rent: 50% of net revenue JAC receives from car rentals.
2. Term: June 1, 2017 to May 30, 2018.
3. Utilities: Paid by JAC.
4. Other: As negotiated by the County Executive.
- 5.

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

Unanimously Adopted – May 24, 2017

RES. NO. 136-17
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman David Himelein:

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:

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Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
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ELECTED OFFICIALS

Legislator	6.00	GEORGE M	BORRELLO	01/01/16 - 12/31/17	6.47	
District Attorney	7.00	PATRICK E	SWANSON	01/01/17 - 12/31/20	24.81	

APPOINTED OFFICIALS

Assistant County Attorney	8.00	R. THOMAS	RANKIN	01/01/16 - 12/31/17	12.89	
Assistant District Attorney	7.00	EMILY A	WOODARD	01/01/17 - 12/31/20	25.58	

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – May 24, 2017

RES. NO. 137-17

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

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

WHEREAS, pursuant to Resolution 102-12 and 91-16, the County Legislature authorized the Chautauqua County Board of Elections to receive a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from March 31, 2014 through March 31, 2018; therefore be it

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

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – May 24, 2017

REGULAR SESSIONS

 RES. NO. 138-17
 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 pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**October 1, 2016 through March 31,
 2017**

TOWNS		CITIES	
Arkwright	3,973.11	Dunkirk	25,904.87
Busti	66,883.51	Jamestown	92,300.05
Carroll	9,678.62		
Charlotte	6,542.52	TOTAL	\$118,204.92
Chautauqua	69,285.50		
Cherry Creek	4,871.78		
Clymer	6,969.89		
Dunkirk	6,628.03		
Ellery	39,464.98	Bemus Point	2,623.77
Ellicott	48,668.88	Brocton	951.43
Ellington	4,992.97	Cassadaga	1,289.33
French Creek	7,581.06	Celoron	2,863.79
Gerry	23,096.06	Cherry Creek	547.88
Hanover	25,624.31	Falconer	5,734.42
Harmony	4,203.37	Fredonia	21,899.42
Kiantone	15,198.70	Lakewood	19,857.27
Mina	7,069.50	Mayville	5,495.79
North Harmony	21,204.60	Panama	518.77
Poland	6,604.24	Sherman	783.59
Pomfret	42,326.76	Silver Creek	3,196.67
Portland	10,477.19	Sinclairville	1,678.35

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Ripley	8,774.99	Westfield	5,534.17
Sheridan	17,847.05		
Sherman	4,530.52		
Stockton	7,135.00	TOTAL	\$72,974.65
Villanova	2,805.30		
Westfield	15,036.87		
TOTAL	\$487,475.31		

GRAND TOTAL **\$678,654.88**

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Gould, Nazzaro, Borrello

Unanimously Adopted – May 24, 2017

RES. NO. 139-17
Government Reduction Initiative (GRI) Plan for Chautauqua County

By Administrative Services and Audit & Control Committees:
At the Request of Legislators Niebel and Borrello:

WHEREAS, in 2009, the New York State Legislature adopted the "New N.Y. Government Reorganization and Citizen Empowerment Act," which revised the requirements for consolidating or dissolving local government entities in New York State; and

WHEREAS, in November 2016, Governor Andrew M. Cuomo announced the Municipal Consolidation and Efficiency Competition for local governments to compete for \$20 million in grant awards to spur local government consolidation and innovative restructuring initiatives; and

WHEREAS, the County wishes to join New York State and encourage a decrease in the layers of local government in order to reduce property taxes, improve the business climate, and spur economic development in Chautauqua County; and

WHEREAS, pursuant to Local Law 4-17 of the County of Chautauqua, the County is authorized pursuant to a duly adopted resolution to provide assistance to other municipalities in Chautauqua County to accomplish the consolidation and dissolution of local government entities, and

WHEREAS, it is appropriate that the County Legislature establish the parameters in which the County intends to provide such assistance; therefore be it

RESOLVED, That the County Legislature hereby establishes a Local Government Reduction Initiative (LGRI) Plan for Chautauqua County as follows:

1. Village Dissolution. The County will provide to a town in which a dissolving village is located a payment equal to the sales tax payment made to the village in the year preceding the dissolution, but not to exceed \$50,000. 50% of such payment may be utilized by the

REGULAR SESSIONS

town with no restrictions, and 50% of the remaining funds shall be used for purposes previously undertaken by the village, including, but not limited to, youth programs, senior programs, sidewalk snow removal, and debt service reduction.

2. Town Consolidation. The County will provide to a new town formed by the merger of two or more towns a payment equal to the sum of the sales tax payments made to each of the former towns in the year preceding the consolidation, but not to exceed \$50,000. There shall be no restriction on the use of the payment funds by the new merged town.
3. State and Federal Grants. The payments provided by the County pursuant to this resolution shall be reduced by the amount of state or federal grants received by a village or town to assist in dissolution or consolidation, except that no reduction will be made for the following: (a) state or federal grants to study potential dissolution or consolidation; (b) Citizen Empowerment Tax Credits; and (c) County payments to be utilized as a match to state or federal grant funds that assist a village or town in dissolution or consolidation.
4. Payment Agreements. Subject to the appropriation of funds by the County Legislature, the County Executive is authorized and empowered to enter into agreements with towns to implement the payment provisions of this resolution.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Gould, Chagnon, Nazzaro, Borrello

Adopted w/ Legislator Bankoski voting "no" – May 24, 2017

RES. NO. 140-17

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2017-2018

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 \$185,075.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County agencies of the District Attorney, Sherriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$69,089.00 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 Sheriff (\$24,808.00) and the Office of Probation (\$11,300.00) will share the balance of such funds; and

WHEREAS, the offices of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2017 budget with the balance to be included in the 2018 budget; now, therefore be it

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RESOLVED, That the County of Chautauqua accepts the aforementioned grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$115,986.00 for the term of July 1, 2017 to June 30, 2018, and any other necessary agreements to implement the project.

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

Unanimously Adopted – May 24, 2017

RES. NO. 141-17

Authorize Acceptance of Grant Extension from NYS Office of Victim Services to District Attorney's Victim Assistance Center

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

WHEREAS, pursuant to Resolution No. 180-14, the Chautauqua County Office of the District Attorney was awarded a grant in the amount of \$367,309.45 from the New York State Office of Victim Services to be used for the period of October 1, 2014 through September 30, 2017; and

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant extension in the amount of \$388,971.90 from the New York State Office of Victim Services to be used for the period of October 1, 2017 through September 30, 2019, with the 2017-2018 amount being \$190,672.50, and the 2018-2019 amount being \$198,299.40 per grant fiscal year; and

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

WHEREAS, such funds will enable the District Attorney's Office to provide increased assistance to all victims of crime in Chautauqua County; specifically, by increasing civil service grade positions for two current employees and creating a new full-time civil service position in the District Attorney's Victim Assistance Center; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the aforementioned grant extension agreement with the New York State Office of Victim Services; and be it further

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

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.1169.1	Personal Services—District Attorney, Crime Victims	\$35,481
A.1165.1169.4	Contractual—District Attorney, Crime Victims	\$ 656
A.1165.1169.8	Employee Benefits—District Attorney, Crime Victims	<u>\$11,531</u>
	Total	\$47,668

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INCREASE REVENUE ACCOUNTS:

A1165.1169.R308.9003 NYS Aid—Oth St Aid: Crime Victims	\$ 9,534
A1165.1169.R408.9003 Federal Aid—Oth Fed Aid: Crime Victims	\$38,134
Total	\$47,668

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

Unanimously Adopted – May 24, 2017

RES. NO. 142-17

Adjust Emergency Services Budget for Capital Vehicle Replacement

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

WHEREAS, the Emergency Services Capital Budget for 2017 includes estimates for the purchases of vehicles; and

WHEREAS, funds have been received for the sale of the 2000 Ford E450 Super Duty Ambulance; and

WHEREAS, the appropriate disposition of these funds is to increase the Capital Appropriation account and increase the Capital Revenue account; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3997.999.4 Contractual – EMS Vehicle Replacement	\$7,100
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R266.5000 Sale of Property -Sale of Equipment	\$7,100
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello,
Gould

Unanimously Adopted – May 24, 2017

RES. NO. 143-17

Use of W911 Reserve for Purchase of Two New Servers

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

WHEREAS, the purchase of two computer servers is an unanticipated but necessary cost to continue operation of the 911 emergency system; and

WHEREAS, the 2017 budget does not include funds for equipment for the 911 system; and

JOURNAL OF PROCEEDINGS

WHEREAS, the County Sheriff's Office has sufficient funds in a reserve account that can be used to purchase equipment for this operation of the 911 emergency system; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----891.0000 Fund Bal., Reserved Fund Bal. – Misc. Reserve: W-911	\$14,500
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.2 Equipment—Publ Safety Communication-W911-E911 Wireless	\$14,500
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 144-17

Authorize Execution of Statewide Interoperability Communications (SICG) Formula Grant Award

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horigan:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State (NYS) Division of Homeland Security and Emergency Services approved the application submitted for the Statewide Interoperability Communications (SICG) formula grant; and

WHEREAS, the State of New York will provide funding for a FY16 grant in the amount of \$657,306.00, with no local funds, for Contract #C198630 for the performance period of January 1, 2017 through December 31, 2018; and

WHEREAS, a portion of the grant funds will be expended in 2017, and the 2017 Chautauqua County Budget does not include any revenue or expenditures for this grant since the grant funds became available after the budget was released; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.2 Equipment—Publ Safety Communication, Pub Sfty Communications Network	\$362,306
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INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid—Other Public Safety Aid	\$362,306
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 145-17

Authorizing Public Hearing Regarding the Implementation of Chautauqua County's 2014 Community Development Block Grant Program, "Chautauqua Septics and Wells," Funded by the NYS Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal

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

WHEREAS, the Office of Community Renewal awarded Chautauqua County \$200,000 under the 2014 Community Development Block Grant (CDBG) program CDBG# 222WS338-14, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, for the Chautauqua Septics and Wells Program, which assists low/ moderate income homeowners with necessary repairs to existing household water and wastewater systems, including lateral connections to municipal systems; and

WHEREAS, the CDBG program is administered by the New York State Office of Community Renewal (OCR) and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons; and

WHEREAS, a public hearing is required pursuant to 24 CFR §§570.431 and 570.486, and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended, to provide further information to the public about the progress of the ongoing CDBG project and to accept public comments related to the effectiveness of the administration of the CDBG project; therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 28, 2017, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

Unanimously Adopted – May 24, 2017

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RES. NO. 146-17

Authorizing Public Hearing Regarding a Potential Application for 2017 Community Development Block Grant Funding Through the NYS Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal and the Uses of Said Funding

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

WHEREAS, the Office of Community Renewal is expected to release a Notice of Funding Availability (NOFA) during the summer of 2017 for the 2017 Community Development Block Grant (CDBG) program, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, under its Housing Resources NOFA; and

WHEREAS, the CDBG program Housing Resources Program provides funding to eligible communities for housing activities including housing rehabilitation, homeownership, manufactured housing rehabilitation or replacement, well and septic replacement, and lateral connection assistance that primarily benefits low- and moderate-income persons; and

WHEREAS, the County is considering applying for funding under this NOFA for continuation of the Chautauqua Septics and Wells Program for those residing in eligible, non-entitlement communities within Chautauqua County; and

WHEREAS, in accordance with 24 C.F.R. §570.486 and §570.431 the County is seeking public input on community development, housing needs, and proposed activities under the CDBG program, especially input from low- and moderate- income residents; therefore be it

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 28, 2017, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

Unanimously Adopted – May 24, 2017

RES. NO. 147-17

Acceptance of 2017 NYS OCFS Safe Harbour: NY Program Grant Funds

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

WHEREAS, the New York State Office of Children and Family Services (OCFS) has awarded a \$60,000 grant to the Chautauqua County Department of Health and Human Services for the New York: Safe Harbour Initiative, to be spent by December 31, 2017; and

WHEREAS, these grant funds support local efforts to develop and implement a systematic response to identify and provide services to youth who have experienced or are at risk of

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experiencing human trafficking or commercial sexual exploitation, to promote community awareness about the sexual exploitation of children and to provide trainings at schools, youth serving agencies, and throughout the county; therefore be it

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

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

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual – Social Services Admin	\$ 60,000
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INCREASE REVENUE ACCOUNT:

A.6010.R368.9000	New York State Aid – Other Social Services	\$ 60,000
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 148-17

Accept Elder Abuse Education and Outreach Program (EAEOP) 2017 Community Mini-Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Office for the Aging's Elder Abuse Education and Outreach Program (EAEOP) has provided funding to the Monroe County Office for the Aging for support of elder abuse prevention efforts across New York State; and

WHEREAS, the Monroe County Office for the Aging has contracted with Lifespan of Greater Rochester Inc. (Lifespan) to administer subcontracting its EAEOP 2017 Community Mini-Grants; and

WHEREAS, Lifespan has awarded an EAEOP 2017 Community Mini-Grant to the Chautauqua County Department of Health and Human Services to support its elder abuse prevention efforts for the period of February 1, 2017 through September 30, 2017 in the amount of \$10,000; and

WHEREAS, the 2017 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with Lifespan of Greater Rochester Inc. for the Elder Abuse Education and Outreach Program Community Mini-Grant, and to execute such other program-related documents as necessary, for so

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long as the County Department of Health and Human Services continues to be funded by this program, with work plans and budgets to be amended and revised on an annual basis by letters of agreement between the parties; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual-Social Services Admin	\$10,000
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INCREASE REVENUE ACCOUNT:

A.6010 .R368.9000	New York State Aid – Other Social Services	\$10,000
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Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 149-17

Amend Department of Health & Human Services 2017 Budget for HEAP Program Payroll Allocations

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

WHEREAS, 2017 personal services and employee benefits expenditures for HEAP are now projected to be in excess of the budgeted amount because the original budget omitted payroll allocations from other program areas to the HEAP program; and

WHEREAS, 2017 personal services and employee benefits expenditures for Social Services Administration are now projected to be lower than the budgeted amount because the original budget omitted payroll allocations to the HEAP program; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6141.----.1	Personal Services –Home Energy Assistance Program	\$ 60,000
A.6141.----.8	Employee Benefits –Home Energy Assistance Program	<u>\$ 40,000</u>
	Total	\$100,000

DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services - Social Services Admin	\$ 60,000
A.6010.----.8	Employee Benefits - Social Services Admin	<u>\$ 40,000</u>
	Total	\$100,000

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

REGULAR SESSIONS

RES. NO. 150-17

Authorize Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Department of Agriculture (USDA) Food and Nutrition Service

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

WHEREAS, the U.S. Department of Agriculture (USDA) Food and Nutrition Service has announced a grant competition awarding up to \$5,000,000 of grant funding available through its Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grants program for projects aimed at simplifying the SNAP application and eligibility determination systems or improving access to SNAP benefits by eligible applicants; and

WHEREAS, the Department of Health and Human Services intends to apply for a SNAP Process and Technology Improvement Grant to fund the purchase of self-service kiosks and other technological components that would be fundable under such a grant for installation in its central intake area in the South County Office Building; and

WHEREAS, the aforementioned USDA grant application process requires the governing body of a municipality to authorize proceeding with the USDA grant applications, and the County will need to complete preparation of the proposals for filing by the USDA deadline of June 19, 2017; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for the Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant funding through the U.S. Department of Agriculture (USDA) Food and Nutrition Service and to execute any agreements necessary to secure such funding.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 151-17

Apply for 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 released the Request for Applications (RFA) for the availability of Title 10 grant funds to support comprehensive family planning and reproductive health services for low-income, uninsured and underinsured women and men of reproductive age; and

WHEREAS, Chautauqua County is eligible for an award up to \$500,000 per year for the period 1/1/2018 to 12/31/2022; and

WHEREAS, the NYSDOH RFA minimum eligibility requirements include governmental and not-for-profit health care facilities licensed through Article 28 of the New York State Public Health Law and certified to provide Medical Services – Primary Care with a minimum of three years' experience providing comprehensive family planning and reproductive health services with preference given to applicants with a minimum of five years' experience in the administration of a comprehensive high

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quality family planning and reproductive health program in compliance with federal Title X program requirements; and

WHEREAS, the Chautauqua County Department of Health and Human Services operates such an Article 28 Diagnostic and Treatment Center, *The Chautauqua County Health Department*, and meets the minimum and preferred eligibility requirements for this Request for Applications; and

WHEREAS, on April 27, 2017, the Chautauqua County Board of Health recommended that Chautauqua County submit an application to be awarded this funding; and

WHEREAS, application for these funds is critical to the continuance of comprehensive family planning and reproductive health care services for Chautauqua County residents; now, therefore, be it

RESOLVED, That the County Executive or his designee is requested to apply for this State grant on behalf of the County 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

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary to accept and implement this grant if awarded.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 152-17

Authorize Grant Application to the New York State Office of Community Renewal for Community Development Block Grant (CDBG) Funding

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

WHEREAS, Castelli America plans to expand its cheese production operations in the County of Chautauqua; and

WHEREAS, Castelli America has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal ("OCR") to finance a portion of the cost of equipment and working capital to support an expansion project (the "Project"); and

WHEREAS, the Chautauqua Regional Economic Development Corporation ("CREDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to CREDC as a grant for the purpose of making a deferred loan and a term loan to Castelli America; and

WHEREAS, the Project will result in substantial benefit to Chautauqua County in the form of an estimated 50 new employment positions; and

WHEREAS, the County has held a public hearing pursuant to 24 CFR §§570.431 and 570.486 to obtain citizens' views regarding the CDBG program as administered by OCR and the Project; now, therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized to submit a CDBG grant application in the approximate amount of \$750,000 to OCR to support the expansion of Castelli America's cheese production operations in the County of Chautauqua; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CREDC, and all other related documents associated with the OCR grant, all such documents to be subject to review and approved by the County Attorney; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act ("NEPA").

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

Unanimously Adopted – May 24, 2017

RES. NO. 153-17

Authorize Assignment, Conveyance, or Termination of Rail Spur and Related Easement and Sidetrack Agreements in the Chadwick Bay Industrial Park

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

WHEREAS, in 2003 the County acquired a permanent easement for a rail spur located in the Chadwick Bay Industrial Park, and entered into a private sidetrack agreement with CSX Transportation, Inc.; and

WHEREAS, the rail spur is not utilized by the existing businesses in the Industrial Park, and a portion of the rail spur is located on land owned by the County of Chautauqua Industrial Development Agency (CCIDA); and

WHEREAS, CCIDA has advised the County that a proposed economic development project on CCIDA lands in the Industrial Park would be obstructed by the existing rail spur, and the rail spur is no longer needed for public use or County purposes; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to assign, convey, or terminate all of the County's right, title, and interest in the rail spur located in the Chadwick Bay Industrial Park, including related easement and sidetrack agreements, upon terms and conditions to be negotiated by the County Executive, which may include assignment or conveyance of said interest to CCIDA to facilitate economic development in the Industrial Park.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - May 24, 2017

RES. NO. 154-17

Supporting Grant Application for New York State Municipal Consolidation and Efficiency Competition

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

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WHEREAS, in November 2016, Governor Andrew M. Cuomo announced a Municipal Consolidation and Efficiency Competition for local governments to build consortiums and compete for a \$20 million award; and

WHEREAS, a preliminary plan put forth by Chautauqua County and 23 co-applicant local governments, which included recommendations from the County's Regional Solutions Commission, was selected as one of 6 finalists; and

WHEREAS, County Executive Vincent Horrigan and the Chautauqua County Legislature share a strong commitment to more efficient government to reduce the tax burden on our residents and have promoted service sharing among local governments via the Regional Solutions Commission; therefore be it

RESOLVED, That Chautauqua County fully supports the Phase II Municipal Consolidation and Efficiency Competition application and as the lead applicant will continue to facilitate development and facilitate implementation of the projects within, should the application be awarded the \$20 million grant award.

Signed: Borrello, Odell, Starks, Niebel (*Chagnon abstained*)

Unanimously Adopted – May 24, 2017

RES. NO. 155-17

Amend 2016 Budget for Year-End Reconciliations – GASB 68

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, some department expenses have exceeded initial budgetary estimates due to year-end adjustments per Governmental Accounting Standards Board Statement 68 (GASB 68), as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.8	Employee Benefits - Environment, Landfill	\$87,943
ESN.8110.8112.8	Employee Benefits - Administration, Administration	\$20,881
ESS.8110..8	Employee Benefits - Administration	<u>\$61,257</u>
	- Total	\$170,081

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.4	Contractual - Environment, Landfill	\$87,943
ESN.8120.8122.2	Equipment - Sanitary Sewers, Sanitary Sewers	\$20,881
ESS.8110..4	Contractual - Administration	\$34,224
ESS.8120..4	Contractual - Sanitary Sewers	<u>\$27,033</u>
	Total	\$170,081

REGULAR SESSIONS

Signed: Chagnon, Borrello, Muldowney, Nazzaro, Gould

Unanimously Adopted – May 24, 2017

RES. NO. 156-17
Confirm Appointment – Director of Human Resources

At the Request of County Executive Vincent W. Horrigan, Legislators Lemon and Whitford:

WHEREAS, County Executive Vincent W. Horrigan has appointed Jessica L. Wisniewski, 2950 Straight Road, Fredonia, New York 14063, as Director of Human Resources, subject to confirmation by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of Jessica L. Wisniewski as Chautauqua County Director of Human Resources effective June 30, 2017, in Range 10 of the Management Salary Plan, for a term ending May 31, 2023, as provided in New York Civil Service Law and New York Public Officers Law.

Signed: Lemon, Whitford

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - May 24, 2017

RES. NO. 157-17
Supporting Passage of A.7826 & S.5914 - 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

At the Request of Chairman David L. Himelein, County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 128-17, the County Legislature made a home rule request for authority to continue through November 30, 2019 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. 7826 and New York State Senate Bill No. 5914 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: Himelein

Unanimously Adopted –R/C Vote: 18 Yes; 1 Absent - May 24, 2017

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RES. NO. 158-17

Supporting Passage of A.7986 & S.5915 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 Chairman David L. Himelein, County Executive Vincent W. Horrigan:

WHEREAS, the authority for the County's additional one percent (1%) sales tax will expire on November 30, 2017; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to extend the additional one percent (1%) sales tax from December 1, 2017 through November 30, 2019; 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, 2019; and

(2) continue the existing residential energy exemption; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.7986 and New York State Senate Bill No. S.5915 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: Himelein

Unanimously Adopted as amended to include the Assembly bill number –R/C Vote: 18 Yes; 1 Absent
- May 24, 2017

2nd Privilege of the Floor

Ms. Wisniewski, Fredonia. I just want to say thank you again for your support especially to Ron and Paul for their words. They are much appreciated and I'm very excited to be a part of Chautauqua County. Thank you.

County Executive Horrigan: Memorial Day we talked about the events. In my Monday morning memo this week I'm going to kick off a 100 days of summer safety. I just want everyone to think about whether you are in towns, villages, maybe we could promote – every year in this beautiful County we suffer tragic loss whether it's drownings, accidents that happen right in the middle of the best summer time off, so this year we're hopeful that an effective summer safety campaign across this County reminding families, workers, (*inaudible*) drinking and driving, is deadly and that we can all have a wonderful summer, but safety always matters. Thank you.

Emily Reynolds, Sherman, N.Y. We are in the middle of our conservation field days. We invite all Legislators to (*inaudible*) today and we're doing it again tomorrow from 10 to 1:30 so if you all could say a good word for good weather for a little stretch of time during the day and if you are available at all, you are welcome to (*inaudible*) to see what we're doing. It's a great event, it's our 51st

REGULAR SESSIONS

year having it so it's been successful for a long time and we're very successful today and looking forward to tomorrow. I also wanted to point out, I hope that you got an invitation in the mail but we have set up two agriculture tours on June 13th. One at 9:00 in the morning and (*inaudible*) Fairbrook Farms in Conewango Valley and one at 11:00 at that morning at Abers(?) Acres so I hope you all can join us there and see a little bit of agriculture first hand in Chautauqua County. If you have any questions, I hope you know how to get ahold of me.

Mr. Toda: Thank you for hearing me tonight. I'm Anthony Toda and I'm from Jamestown, N.Y. I have been here before a few times discussing before talking to you about the problem I'm having with the Sheriff's dispatchers. (*Mr. Toda's was too close to the microphone to clearly decipher most of his statement but in summary, spoke of the time he went to the Public Safety meeting where he brought his recorder to show the problems he's been having with the Sheriff dispatchers. Also feels that the Sheriff is misusing appropriations he is given in his budget.*)

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

LOCAL LAW INTRO. 5-17

A LOCAL LAW AMENDING LOCAL LAW 6-03 REGARDING ITEM PRICING AND SCANNER ACCURACY IN THE COUNTY OF CHAUTAUQUA

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

Section 1. Purpose of Amendments.

Pursuant to Local Law 6-03 of the County of Chautauqua regarding item pricing and scanner accuracy, the Chautauqua County Department of Weights and Measures monitors unit pricing in stores to ensure that customers are not overcharged for items offered for sale. The item pricing law currently allows for a waiver from individual item pricing if a store passes two scanner accuracy price inspections of a minimum of one hundred stock-keeping items (SKIs) each. In 2003, such waivers were issued to fifteen stores, but the number has risen today to nearly one hundred stores and continues to increase. Due to today's advanced store computer systems, it is extremely unlikely that any store applying for an item pricing waiver will fail a scanner accuracy inspection – thus making a second such inspection of the store redundant and unnecessary. Amending the County's item pricing law to allow for one inspection instead of two will free up time for Department of Weights and Measures staff to attend to other tasks which may bring in additional revenue. Lastly, New York State has removed its requirement that stores make available an in-store price check scanner to customers, and it is appropriate that the County likewise amend its local law to remove the requirement.

Section 2. Amendments.

Section 10 of Local Law 6-03 of the County of Chautauqua is hereby amended as follows:

Section 10. Waiver From Item Pricing.

- a. Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in Section 3 of this local law may make application in writing to the Director for a waiver of said item pricing requirement. A separate application shall be required for each store. Each applicant shall be subject to a non-refundable processing fee to cover the cost of conducting scanner accuracy inspections as provide in subsection b of this

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section. The Director shall determine the processing fee and may revise it from time to time to reflect said cost, but in no case shall said fee exceed one thousand seven hundred and fifty dollars (\$1,750.00) per application.

- b. Waiver applications and the required fee must be received at the Bureau of Weights and Measures, 1 North Erie Street, Courthouse, Mayville, New York 14757 before a temporary waiver can be granted. Waivers to item pricing are in effect for a period of twelve (12) months from date of receipt of processing fee and application. Waivers are to be renewed annually, with the processing fee and inspection required for each annual renewal application.
- c. Upon receipt of an application and fee as provided in subsection a of this section, the Director shall cause to be conducted a scanner accuracy inspection of the store for which application has been submitted. This inspection shall be conducted in the manner prescribed in section eight (8) of this local law, excepting, however, that a minimum of one hundred (100) SKIs shall be checked at each inspection. In the event any violations are detected, penalties shall be assessed as provided in Section 9 of this local law. If the number of SKIs found to be in violation does not exceed two (2) percent of all SKIs inspected, the Director shall grant to this applicant a one (1) year revocable waiver from item pricing requirements. Any store with a current waiver shall be exempt from the requirements of Section 3 of his local law.
- d. In the event that total violations in excess of two (2) percent are discovered in the inspection provided for in subsection c or d of this section, the Director shall not grant a waiver to the applicant. Such store must promptly reapply for a waiver and pay the required fee of two hundred fifty dollars (\$250.00), to the director within five (5) business days after being notified of the failure, provided, however, that the fee shall be waived for reapplications made on or before December 31, 2018. Stores that do not reapply must be in compliance with all requirements of section three within sixty (60) days from date of failure.
- e. In the event that the Director is unable to conduct inspections pursuant to subsection c of this section within thirty (30) days of receipt of a complete waiver application and proper processing fee, or upon other good cause, the director shall grant a temporary waiver, pending completion of the inspections. The Director shall cause said inspections to be completed as soon as practicable.
- f. As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:
 - i. The store shall not charge any customer a price for any SKI which exceeds the item, shelf, sale, or advertised price of that SKI, whichever is least.
 - ii. The store shall cause to be posted in conspicuous location(s), accessible by all consumers and approved by the Director, signs explaining the right of consumers consistent with the waiver as set forth in section eleven (11) of this local law., The Director will specify the content, size, and numbers of these sign(s) by regulation. The store is also required to post the temporary or annual waiver in the area designated for handling price discrepancies.
 - iii. The store shall make payment to consumers who have been overcharged as provided in Section 11 of this local law. Each store is required to designate at least one (1) individual who is authorized to issue these payments during all of the store's operating hours.

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- iv. The store shall correct all pricing errors identified by consumers at store level within three (3) hours and, if applicable, at their firm, partnership, corporation, or association within twenty-four (24) hours.

Section 3. Effective Date.

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

Emailed 5/12/17

Adopted by Legislature: 5/24/17

Public Hearing by Executive: 6/8/17

Adopted as LL 6-17

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 6/12/17

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Regular Meeting
Chautauqua County Legislature
Wednesday, June 28, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski, the minutes were approved. (5/24//17)

1st Privilege of the Floor

(Statement sent in by Karen Harvey)

Karen Harvey, West Lake Rd., Mayville - I oppose local law 6 – 17. It is redundant. There was no public referendum. It is based on faulty information. Changing public policy based on faulty information, “in order to mitigate climate change...” Climate has always changed. Claiming that man has had a substantial effect on climate ignores history.

One thousand years ago there was global warming. The Vikings were able to colonize Greenland and Newfoundland until the Little Ice Age ended their efforts. They grew barley, wheat, raised cattle, built cathedrals and nunneries and supported 17 bishops. In Germany one thousand years ago there were vineyards 780 meters above sea level. Not possible today beyond 560 meters above sea level. In the Alps larchwood aqueducts were built to carry water between villages. All that is under ice today.

TWO thousand years ago there was global warming. In Germany olives were grown as far north as the Rhine River. In England Grapes were grown as far north as Hadrian’s Wall. In China citrus trees were grown far north of where they can grow today.

So one thousand two thousand and three thousand years ago saw warming estimated at up to 2 degrees higher than today with cooling periods in between. This all in man’s historic memory.

This change in public policy is based on the assumption that carbon dioxide is a pollutant. It is not. It is an essential atmospheric gas that is the basis of all life on earth.

CO2 is not a pollutant. CO2 is the food that plants eat. Plants convert CO2 into carbohydrates in the form of vegetables and fruit and wood etc. After turning carbon into food, plants produce oxygen that animals and people breathe.

The earth has greened by nearly 20% since the measured increase of CO2 from 350 ppm to 400 ppm. The more CO2 there is, the more fruits, vegetables, wood, cotton. Commercial agribusinesses pump 1200 ppm of carbon dioxide into greenhouses to promote growth and food production. When there was had 2000 ppm of carbon dioxide in the atmosphere life flourished.

Plants need less water when CO2 levels are higher because they ‘breathe’ through stomata or tiny holes in leaves which must open wider when CO2 levels are low allowing the loss of moisture – 100 molecules of water lost for every ‘breath in’ of one molecule of CO2.

To make layers of public policy based on the notion that such policy can change something that has always occurred naturally is like trying to stop the moon from rising.

(Most of statement too muffled to transcribe accurately)

Bob Ruther spoke in support of Local Law Intro. 6-17. Thanked Legislator Odell for his work on this legislation.

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(Statement sent in by Karen Harvey)

Roy Harvey, West Lake Rd, Mayville – I am opposed to Local Law 6-17. The ‘sustainable energy loan program’ law you propose seems to be in conformity with Gov. Cuomo’s green energy plan, 50/30 and takes on all its assumptions — including efforts by Chautauqua County to “mitigate the effect of global climate change.”

With this seemingly innocuous program (really, a transfer-the-wealth tax the general public for the few that can take advantage of it), you accept the sentiment of the Governor who has bypassed New York legislature through his Public Service Commission to implement the unworkable and expensive 50/30 plan.

I submit to you that New York State energy policy is a product of the activist environmental group, the National Resources Defense Council - the NRDC — with its \$120 million a year budget, and stars such as Laurence Rockefeller and Leonardo DiCaprio.

The climate alarmist NRDC was integral to the Obama administration on declaring carbon dioxide a pollutant; their objective has been to shut down coal production; they are opposed to nuclear and fracking, and pushing New York State into 50% wind and solar; wind, especially, will be a real nightmare for many people in our county.

In 2013, Gov Cuomo appointed John Rhodes from the NRDC to head NYSERDA, and just recently, the governor put this person from the NRDC as head of the Public Service Commission.

I urge you to vote against this otherwise well-meaning law, and give some thought to the Public Service Commission/NRDC agenda.

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 5/24/17

6:35 P.M.

PUBLIC HEARINGS:

Implementation of Chaut. County’s 2014 Community Development
Block Grant Program “Chautauqua Septics & Wells” Funded by
the NYS Homes & Community Renewal Housing Trust Fund Corp’s.
Office of Community Renewal

Chairman Himelein: I’ll now open the public hearing. (6:42 p.m.) Is there anyone here to speak to the public hearing? Seeing none, we’ll close the public hearing. (6:43 pm.)

Potential Application for 2017 Community Development Block Grant
Funding Through the NYS Homes & Community Renewal Housing
Trust Funds Corp.’s Office of Community Renewal & the Uses of Said Funds

Chairman Himelein: I’ll now open the public hearing. (6:44 p.m.) Is there anyone here to speak to the public hearing? Seeing none, we’ll close the public hearing. (6:45pm.)

CERTIFICATE AWARDS

To High School

VALEDICTORIANS

By

County Executive Horrigan

Chairman David Himelein

JOURNAL OF PROCEEDINGS

COMMENDATION:
Village of Falconer
By
Legislator Paul Wendel
Legislator Lisa Vanstrom

PRESENTATION:
Planning Board's Review of
2018 Capital Projects
By Doug Bowen
(Presentation on file w/Legislature Data)

COMMUNICATIONS:

1. Letters (2) – County Executive – Apptmt. to Various Board
 2. Report – Finance Director Crow – May 2017 Investment Report
 3. Proof of Publication – 2 CDBG (Project & Application) Grants
 4. Minutes – Chaut. Co. Soil & Water - May/2017
 5. Letter – Director Planning & Ec. Dev. – Re: CCVB's Funding Application
 6. Letter – Senator Young – Re: Ack. Receipt of Res's. 128 & 129-17 (Sales & Occupancy Tax Continuation)
 7. Letter – NYS Dept. of State – Ack. Receipt of LL's 4 & 5-17
 8. Letter – NYS Dept. of State – Ack. Receipt of LL 6-17
 9. Letter - NYS Dept. of Taxation & Finance – Re: New Tax Law – Wireless Communications Surcharge & Repeal of County Law Wireless Surcharge
 10. Capital Budget (2018) & Capital Plan (2019-2023)
-

RES. NO. 159-17
Confirm Re-Appointments – Chautauqua Opportunities Board of Directors

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

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

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

Joseph A. Gerace
235 Hunt Rd. W.E.
Jamestown, N.Y. 14701
Term Expires: 6/30/18

Dr. John P. Hamels
5996 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 6/30/18

Willie Rosas
768 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 6/30/18

Benjamin Spitzer
5841 Snug Harbor Dr.
Mayville, N.Y. 14757
Term Expires: 6/30/18

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Paul Whitford
58 Harris Avenue
Jamestown, N.Y. 14701
Term Expires: 6/30/18

Nicodemo Piccolo
1 Burgess St.
Silver Creek, N.Y. 14136
Term Expires: 6/30/18

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – June 28, 2017

RES. NO. 160-17
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.

Nicole Roma
702 Washington Ave.
Dunkirk, N.Y. 14048
Term Expires: 12/31/19

Signed: Tarbrake, Lemon, Whitford, Wilfong

Unanimously Adopted – June 28, 2017

RES. NO. 161-17
Authorize Agreement w/ NYSDOT for Performance of Federal-Aid Project PIN 5761.82

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

WHEREAS, the Project for the Replacement of the County Bridge 1082, Foote Ave. over Chadakoin River, BIN 2258390, in the City of Jamestown, Chautauqua County, PIN 5761.82 (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 \$275,000, to be borne at the ratio of 80% Federal funds, 15% State Funds and 5% County funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; 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 Project PIN 5761.82; and

WHEREAS, the local share is calculated to be \$13,750 and can be covered with existing funding in capital project D.5112.390; 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 Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share cost of the Project 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 – Capital Improvements, County Bridge Program	\$261,250
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid – Surface Transp Program	\$220,000
D.5112.390.R358.9003	NYS Aid--Marchiselli Funds	<u>\$ 41,250</u>
	Total	<u>\$261,250</u>

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

Unanimously Adopted – June 28, 2017

RES. NO. 162-17

Acceptance of Funds for the Environmental Assessment for Off Airport Obstruction Removal Project

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

WHEREAS, Chautauqua County submitted to the FAA a Project Application and 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: Obstruction Removal FAA AIP Project No. 3-36-0022-053-2017 (Project); and

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WHEREAS, the FAA has approved a project for Chautauqua County/Dunkirk Airport (herein called the "Project") consisting of the removal of obstructions (non-hazard APP or DEP), which is more fully described in the Project agreement, for the Off Airport Obstruction Removal FAA AIP Project No. 3-36-0022-053-2017; 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 the eligible costs; and

WHEREAS, pursuant to Resolution 133-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYS grant funds for the Environmental Assessment for Off Airport Obstruction Removal under the Airport Improvement Program (AIP) and funding shares for the Project are as follows;

Federal	\$ 77,310
State	\$ 4,295
Local	\$ 4,295
Total Project Costs	\$ 85,900

; 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 agreement with the Federal Aviation Administration and the State of New York for financial assistance for the project described above at the 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 the FAA and NYSDOT in connection with this project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; 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 Balance—Reserve for Capital \$4,295
; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$ 4,295

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25989.4 Contractual—EA Obstruct Removal DKK (2017) \$85,900

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25989.R503.1000 Interfund Transfer – Interfund Transfer \$ 4,295

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H.5610.25989.R359.7001 NYS Aid – Airport Capital Grants	\$ 4,295
H.5610.25989.R459.2000 Federal Aid – Airport Federal Capital Grants	<u>\$77,310</u>
Total	\$85,900

Signed: Hemmer, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – June 28, 2017

RES. NO. 163-17

Adjust Capital Project Budget for Reconstruction/Repair of Sewer Line in South Chautauqua Lake
Sewer District

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

WHEREAS, the Administrative Board of the South Chautauqua Lake Sewer District approved the use of contingency funds for an emergency pipe line project; and

WHEREAS, contingency funds are adequate to cover the cost of the repairs; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

DECREASE APPROPRIATION ACCOUNT:

ESS.9089.4	Contractual—Undistributed Benefits (Contingency Account)	\$78,750
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INCREASE APPROPRIATION ACCOUNT:

ESS.8130.27806.4	Contractual—Sewage Treatment Reconstr/Repair Swr Lines (2010)	\$78,750
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Signed: Hemmer, Scudder, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – June 28, 2017

RES. NO. 164-17

Approval to Proceed with Transportation Alternatives Program Project on County Road 48 (Dale
Drive) in the Village of Cassadaga

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

WHEREAS, there is currently a lack of bicycle and pedestrian access along County Road 48 (a.k.a Dale Drive) in the Village of Cassadaga; and

WHEREAS, this area is a popular tourist destination that attracts many cyclists and pedestrians adjacent to Cassadaga Lake; and

REGULAR SESSIONS

WHEREAS, the non-profit civic improvement group Citizens for a Better Cassadaga started a complete streets initiative for Cassadaga, in which it created a plan to provide improved biking and walking opportunities around the full perimeter of Cassadaga Lake; and

WHEREAS, improvements to biking and walking opportunities on Dale Drive has been highlighted as one of the top improvement priorities of Citizens for a Better Cassadaga; and

WHEREAS, the Department of Public Facilities applied for funding under the 2016 Transportation Alternatives Program – Congestion Mitigation and Air Quality Improvement Program, administered by the New York State Department of Transportation, for a shoulder expansion project to provide a safer, more efficient mode of bicycle and pedestrian travel for residents and visitors on Dale Drive in the Village of Cassadaga; and

WHEREAS, the Department of Public Facilities was awarded funding under the Transportation Alternatives Program – Congestion Mitigation and Air Quality Improvement Program for the Dale Drive Shoulder Expansion project, with 80% federal funding (\$588,000) and a 20% local match of non-federal funding (\$147,000); and

WHEREAS, the County will be required to enter into a State/Local Agreement with the New York State Department of Transportation, which will require future resolutions to authorize the County Executive to execute various phases of said agreement; therefore be it

RESOLVED, That the Legislature for the County of Chautauqua authorizes the Department of Public Facilities to proceed with the Dale Drive Shoulder Expansion Project.

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

Unanimously Adopted – June 28, 2017

RES. NO. 165-17

Government Reduction Initiative (GRI) Assistance for the Town of Hanover

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan, County Legislator George Borrello,
and County Legislator Terry Niebel

WHEREAS, pursuant to Local Law 4-17 of the County of Chautauqua, the County is authorized pursuant to a duly adopted resolution to provide assistance to other municipalities in Chautauqua County relating to the implementation of the consolidation and dissolution of local government entities, and

WHEREAS, pursuant to the parameters set forth in Resolution 139-17 authorizing such municipal assistance, it is provided that in the event of a village dissolution, the County will provide to a town in which a dissolving village is located a payment equal to the sales tax payment made to the village in the year preceding the dissolution, but not to exceed \$50,000, and that 50% of such payment may be utilized by the town with no restrictions, and 50% of the remaining funds shall be used for purposes previously undertaken by the village, including, but not limited to, youth programs, senior programs, sidewalk snow removal, and debt service reduction; and

WHEREAS, effective January 1, 2017, the Village of Forestville located in the Town of Hanover dissolved, and pursuant to Resolution 139-17, it is appropriate that the County provide

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assistance to the Town of Hanover for the ongoing transition and expenses to be incurred by the Town now and in the future; therefore be it

RESOLVED, That for the purpose of enabling the County Executive to enter into an agreement with the Town of Hanover to provide County assistance pursuant to the parameters of Resolution 139-17, the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance--Unassigned Fund Balance	\$50,000
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INCREASE APPROPRIATION ACCOUNT:

A.1010.-----4 Contractual — Legislative Board	\$50,000
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Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 166-17
Investment Policy for the County of Chautauqua

By Administrative Services and Audit & Control Committees:

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, pursuant to Resolution 93-17, the County Legislature approved a Corrective Action Plan (CAP) in response to an audit by the Office of the State Comptroller (OSC) which in part included plans of action appropriate for inclusion in an update to the County Investment Policy; therefore be it

RESOLVED, That the County Investment Policy is hereby amended to read as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,

- *to conform with all applicable federal, state and other legal requirements (legality);
- *to adequately safeguard principal (safety);
- *to provide sufficient liquidity to meet all operating requirements (liquidity); and
- *to obtain reasonable rate of return (yield).

REGULAR SESSIONS

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 to 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 schedule.

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 receipt, 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 \$40,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	Bank of America
Evans Bank, N.A.	Citizen's Bank N.A.	JP Morgan Chase, N.A.
PayPal		

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by one or more of the following:

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.

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2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;

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*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, 6-1, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	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	Financer Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	Greenwich Capital
Edward Jones	Duncan-Williams Inc.

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RIBS Greenwich Capital
Federal Reserve Bank	Manufacturer's & Traders Trust Co.
Wachovia Securities	Wilmington Trust
Edward Jones	JP Morgan Chase, N.A.
Morgan Stanley	

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

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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.

The Director of Finance shall notify the County Attorney and obtain approval as to the legality of an investment prior to making purchases of any new type of investment not currently in the County's portfolio. With regard to obligations issued by any municipality, school district, or district corporation other than the County, or obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, the Director of Finance shall also receive the approval of the County Attorney as to the legality of the investment prior to making purchases of such investments.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

* All repurchase agreements 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.

XIV. OVERSIGHT OF INVESTMENT PROGRAM

The Director of Finance shall provide written monthly investment reports to all County Legislators and the County Attorney which shall be accompanied by the actual monthly investment statements showing the County's current holdings, all transactions during the statement period, and realized and unrealized gains and losses. On not less than a quarterly basis, the Audit & Control Committee of the County Legislature shall discuss the status of the investment program at its regular committee meetings, including the four (4) objectives set forth in the County's Investment Policy. The Audit & Control Committee shall also on not less than an annual basis undertake a review with a financial advisor of the County's current investment holdings.

Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Borrello, Gould, Muldowney

Unanimously Adopted – June 28, 2017

RES. NO. 167-17

Create and Reallocate Revenue and Appropriation Accounts for EMS Fly Car Program

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

WHEREAS, the Chautauqua County Office of Emergency Services is developing a fly car program; and

WHEREAS, a new sub department is needed in order to analyze expenditures and revenues specific to the project; now therefore be it

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RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2017 budget.

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

A.3989.EMS.1 Personal Services – Emerge. Medical Service, Fly Car Program.	\$ 302,732
A.3989.EMS.8 Employee Benefits – Emerge. Medical Service, Fly Car Pram.	\$ 147,648
A.3989.EMS.4 Contractual – Emergency Medical Service, Fly Car Program	<u>\$ 170,740</u>
	\$ 621,120

DECREASE APPROPRIATION ACCOUNTS:

A.3989.----.1 Personal Service – Emergency Medical Service	\$ 285,110
A.3989.----.8 Employee Benefits – Emergency Medical Service	\$ 141,897
A.3989.----.4 Contractual – Emergency Medical Service	\$ 170,740
A.3010.----.1 Personal Service - Emergency Services	\$ 17,622
A.3010.----.8 Employee Benefits – Emergency Services	<u>\$ 5,751</u>
	\$ 621,120

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3989.EMS R158.9100 Departmental Income—Other Public Safety Income Medicare Pym's	\$ 310,560
A.3989.EMS R158.9101 Departmental Income—Other Public Safety Income Medicaid Pym's	\$ 93,168
A.3989.EMS R158.9102 Departmental Income—Other Public Safety Income Private Insurance Pym's	\$ 155,280
A.3989.EMS R158.9103 Departmental Income—Other Public Safety Income Private Pay	<u>\$ 62,112</u>
	TOTAL \$ 621,120

DECREASE REVENUE ACCOUNTS:

A.3989.R158.9100 Departmental Income—Other Public Safety Income Medicare Pym's	\$ 310,560
A.3989.R158.9101 Departmental Income—Other Public Safety Income Medicaid Pym's	\$ 93,168
A.3989.R158.9102 Departmental Income—Other Public Safety Income Private Insurance Pym's	\$ 155,280
A.3989.R158.9103 Departmental Income—Other Public Safety Income Private Pay	<u>\$ 62,112</u>
	TOTAL \$ 621,120

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

Unanimously Adopted – June 28, 2017

RES. NO. 168-17

Authorize Agreement w/ Chautauqua-Cattaraugus-Erie II BOCES 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 Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region would benefit by the continuation of the School Resource Officer program; and

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WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2017 through June 30, 2018, the deputies to be shared between three facilities at a total sum not to exceed \$210,113.51, 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 these positions; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2017 budget and will be included in the 2018 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for the School Resource Officer program.

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

Unanimously Adopted – June 28, 2017

RES. NO. 169-17

Authorize Agreement w/ Chautauqua-Cattaraugus-Erie II BOCES for Culinary Arts Instruction

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

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2017 through July 31, 2018, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,972; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2017 budget and will be included in the 2018 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for a culinary arts instruction program.

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

Unanimously Adopted – June 28, 2017

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RES. NO. 170-17

Adjust 2017 Budget for Department of Mental Hygiene for Establishment of PFC Joseph P. Dwyer Peer-to-Peer Veterans Support Program

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

WHEREAS, pursuant to Resolutions 69-16 and 252-16, the State of New York awarded Chautauqua County a total of \$370,000 to fund a local branch of the PFC Joseph P. Dwyer Peer-to-Peer Veterans' Support Program ("Dwyer Program"); and

WHEREAS, the Veterans Service Agency shall be responsible for implementing and overseeing the local branch of the Dwyer Program but all financial arrangements will be administered by the Department of Mental Hygiene; and

WHEREAS, the Department of Mental Hygiene's 2017 Budget includes revenues of \$92,500 and expenditures of \$92,500 for the Dwyer Program; and

WHEREAS, the Dwyer Program's 2017 revenues and expenditures are each expected to be \$185,000; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE REVENUE ACCOUNT:

A.4320.R349.0000 NYS Aid—Mental Health	\$92,500
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INCREASE APPROPRIATION ACCOUNTS:

A.4320.1 Personal Services—Mental Hygiene Programs	\$23,980
A.4320.4 Contractual--Mental Hygiene Programs	\$56,910
A.4320.8 Employee Benefits— Mental Hygiene Programs	<u>\$11,610</u>
Total	\$92,500

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 171-17

Authorize Lease Agreement w/ City of Jamestown for Office Space for the Department of Mental Hygiene

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

WHEREAS, the County of Chautauqua desires to renew the lease of approximately 9,299 square feet of office space on the fifth floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, New York for use by the Chautauqua County Department of Mental Hygiene; and

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and the City of Jamestown; and

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WHEREAS, the increase in rent from \$12.00 per square foot in 2016 to \$12.48 per square foot in 2017 is included in the 2017 budget; therefore be it

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

- 1) Premises. Approximately 9,299 square feet of office space on the fifth floor of the City of Jamestown Municipal Building, 200 East Third Street, Jamestown, New York.
- 2) Term. January 1, 2017 through December 31, 2021 with an option to renew for one additional five (5) year term from January 1, 2022 through December 31, 2026.
- 3) Rent. January 1, 2017 – December 31, 2017 - \$12.48 per square foot to be paid at a rate of \$9,671.00 per month.
January 1, 2018 – December 31, 2018 - \$12.98 per square foot to be paid at a rate of \$10,057.83 per month.
January 1, 2019 – December 31, 2019 - \$13.50 per square foot to be paid at a rate of \$10,460.80 per month.
January 1, 2020 – December 31, 2020 - \$14.04 per square foot to be paid at a rate of \$10,878.50 per month.
January 1, 2021 – December 31, 2021 - \$14.60 per square foot to be paid at a rate of \$11,313.67 per month.
- 4) Utilities. Landlord shall be responsible for all utilities, including heat, except County shall be responsible for phone and Internet service.
- 5) Other. As negotiated by the County Executive.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 172-17

Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) of State Funded Snowmobile Trails

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

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

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has tentatively approved the addition of a new snowmobile trail "C1A" in the Towns of Ellington and Cherry Creek, which is proposed to extend between Old Chautauqua Road, Thornton Road, and north to the municipal border of the Town of Cherry Creek for approximately 1.4 miles and connect to existing corridor snowmobile trail "C1"; and

WHEREAS, the State Environmental Quality Review Act (SERA) requires 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 SERA process; therefore be it

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RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SERA Lead Agency and as such is authorized to comply with all SERA requirements for the addition of a new snowmobile trail "C1A" in the Towns of Ellington and Cherry Creek, which is proposed to extend between Old Chautauqua Road, Thornton Road, and north to the municipal border of the Town of Cherry Creek for approximately 1.4 miles and connect to existing corridor snowmobile trail "C1".

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – June 28, 2017

RES. NO. 173-17

Environmental Assessment for Establishment of Chautauqua County Snowmobile Trail "C1A" in the Towns of Ellington and Cherry Creek

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of establishing snowmobile trail "C1A" in the Towns of Ellington and Cherry Creek, which is proposed to extend between Old Chautauqua Road, Thornton Road, and north to the municipal border of the Town of Cherry Creek for approximately 1.4 miles and connect to existing corridor snowmobile trail "C1"; and

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

RESOLVED, That the Chautauqua County Legislature, as lead agency, has determined that the establishment of snowmobile trail "C1A", which is proposed to extend between Old Chautauqua Road, Thornton Road, and north to the municipal border of the Town of Cherry Creek for approximately 1.4 miles and connect to existing corridor snowmobile trail "C1", within the Towns of Ellington and Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – June 28, 2017

RES. NO. 174-17

Authorize Grant Application to New York State Department of State ("NYSDOS") Division of Planning Local Waterfront Revitalization Program to Fund Economic Impact Analysis of North County Harbors

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

WHEREAS, the five Great Lakes, their connecting channels, and the St. Lawrence River form one of the longest deep draft navigation systems in the world, which includes Chautauqua County's three Federal Harbors of Refuge on Lake Erie; and

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WHEREAS, Barcelona Harbor, Dunkirk Harbor, and Cattaraugus Creek Harbors are invaluable cultural and economic assets to Chautauqua County and to the Town of Westfield, City of Dunkirk, and Town of Hanover; and

WHEREAS, the United States Army Corps of Engineers ("USAGE") has the primary responsibility for the operation and maintenance of these harbors and has deferred authorized maintenance activities, including dredging and breakwater repairs, due to limited Federal funding for harbors with limited commercial navigation; and

WHEREAS, an Economic Impact Analysis of the three harbors would support Chautauqua County's continuing effort to advocate for Federal funding for the authorized operation and maintenance of the harbors: support future applications for State and local funding opportunities for economic development; and encourage new private investment in our harbors and waterfronts; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development desires to partner with the Town of Westfield, City of Dunkirk, Town of Hanover, and Northern Chautauqua County Community Foundation's Local Economic Development ("LED") Committee to apply for \$35,000 in grant funding from the New York State Department of State ("KNIDOS") Division of Planning Local Waterfront Revitalization Program to retain a consultant to prepare an Economic Impact Analysis to determine the true economic impact of the three harbors; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development will coordinate the collaborative grant application effort and, if successful, commit up to \$3,500 of in-kind services for administration of the grant and project management activities; and

WHEREAS, the Town of Westfield, City of Dunkirk, Town of Hanover, and Northern Chautauqua County Community Foundation's LED Committee will each commit up to \$2,500 of in-kind services for data collection and public outreach activities in support of the effort; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby supports the proposed collaborative effort to prepare and submit a grant application to the KNIDOS Division of Planning Local Waterfront Revitalization Program in connection with the New York State Consolidated Funding Application process; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any and all documents associated with the grant application to the KNIDOS Division of Planning Local Waterfront Revitalization Program in conjunction with the New York State Consolidated Funding Application process.

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

Unanimously Adopted – June 28, 2017

RES. NO. 175-17

Authorizing SEQRA Review of Waterways Panel 2018 2% Occupancy Tax Recommendations

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

REGULAR SESSIONS

WHEREAS, seventeen applications for the 2018 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 seventeen requests; and

WHEREAS, six of the seventeen projects submitted for 2% Occupancy Tax funding in 2018 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 New York State Environmental Quality Review Act (SERA) review of the projects recommended by the Waterways Panel for 2018 2% Occupancy Tax funding, as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Keefe Farm Ag Nutrient	1	\$ 40,000	\$ 40,000
Reliance Dairy Silage Leachate	2	\$ 40,000	\$ 40,000
Silver Creek Dam Removal	3	\$ 40,000	\$ 40,000
Riverwalk	4	\$ 30,640	\$ 30,640
Starr Point Farms Ag Nutrient	5	\$ 39,888	\$ 39,888
Prendergast-Davidson	6	\$ 35,970	\$ 35,970
Tupper Creek	7	\$ 40,000	\$ 0
Prendergast-Keefe	8	\$ 39,770	\$ 0
Boat Stewardship	9	\$ 39,972	\$ 0
Walker Creek-Deakin	10	\$ 38,490	\$ 0
Lucille Ball Park	11	\$ 39,384	\$ 0
Dutch Hollow-Reinhardt	12	\$ 29,350	\$ 0
Chautauqua Lake Trib-Toczydlowski	13	\$ 25,670	\$ 0
Crosswinds	14	\$ 9,850	\$ 0
Goose Creek-Lipari	15	\$ 20,950	\$ 0

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Cassadaga Country Club	16	\$ 39,000	\$ 0
Lighthouse Point	17	\$ 21,790	\$ 0
TOTALS		\$ 570,724	\$ 226,498

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

Unanimously Adopted – June 28, 2017

RES. NO. 176-17

Authorize Allocation of 3% Occupancy Tax Funding from the 2017 Reserve Account for Chautauqua Gran Fondo

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

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 Chautauqua Gran Fondo is a recently establish tourism event created to fulfill the purpose of the 3% Occupancy Tax by drawing additional tourists to the Chautauqua County region; and

WHEREAS, cycling has been recognized as a growing sport and attraction to our region in The Buffalo News in the Spring of 2017; and

WHEREAS, the Chautauqua Gran Fondo successfully attracted over 285 participants in 2015 and subsequently grew to 370 riders in 2016; and

WHEREAS, Chautauqua County's tourism industry would benefit from supporting this growing attraction and the development of events that attract cyclists; and

WHEREAS, as of May of 2017, the balance of the 3% Occupancy Tax Reserve Account was \$134,207; and

WHEREAS, the Chautauqua Gran Fondo is requesting \$5,000 of the 3% Occupancy Tax Reserve funding to offset the costs during the initial 3 to 5 year start up period; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into a contract with the Chautauqua Gran Fondo in the amount of \$5,000 of 3% Occupancy Tax funding from the 2017 Reserve Account to offset the costs during the initial 3 to 5 year start up period; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A,-----,-----,883.0000 Fund Bal., Res Fund Bal. – Reserve for Occupancy Tax \$5,000

; and be it further

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RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$5,000

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

Unanimously Adopted – June 28, 2017

RES. NO. 177-17

Authorize Use of 3% Bed Tax Reserve for the Dunkirk-Lake Shore 2017 Air Show

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan, Legislators Bankoski, Muldowney, Borrello and Niebel

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

WHEREAS, the City of Dunkirk will be holding their second consecutive Dunkirk-Lake Shore Air Show since 1971 on July 1st and 2nd, 2017 at the Dunkirk Harbor on Lake Erie; and

WHEREAS, the City of Dunkirk has received funding commitments for the event that include presenting sponsor Lake Shore Savings & Loan, various local industries, businesses, companies and others; and

WHEREAS, the City of Dunkirk estimates that the additional costs to the city for several expenses including sound engineering, aviation fuel, portable restrooms, videography and marketing & promotion will exceed \$35,000; and

WHEREAS, as of May of 2017, the balance of the 3% Occupancy Tax Reserve Account was \$134,207; and

WHEREAS, the County of Chautauqua desires to appropriate \$13,000 of the 3% Occupancy Tax Reserve to offset expenses associated with the Dunkirk-Lake Shore Air Show 2017 as a tourist attraction; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with the City of Dunkirk in the amount of \$13,000 of 3% Occupancy Tax funding from the 2017 Reserve Account to offset expenses associated with the Dunkirk- Lake Shore Air Show 2017 as a tourist attraction; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883 Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax \$13,000

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2017 budget:

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INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$13,000
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Signed: Borrello, Chagnon, Nazzaro, Odell, Starks, Niebel, Muldowney, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 178-17

Accepting Grant from Sheldon Foundation for Support of Cooperative Extension

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

WHEREAS, pursuant to County Law § 224, the County is authorized to appropriate monies for the support and maintenance of the Cooperative Extension Service Association of Chautauqua County ("Cooperative Extension"); and

WHEREAS, the Ralph C. Sheldon Foundation of Jamestown has approved a \$16,500 grant to the County for the purpose of providing additional support to Cooperative Extension pursuant to County Law § 224, and said grant monies will allow Cooperative Extension to be eligible for an additional match from New York State; now therefore be it

RESOLVED, That the County Executive and Director of Finance are each hereby authorized on behalf of the County to accept grant funds from the Ralph C. Sheldon Foundation of Jamestown in the amount of \$16,500 for the purpose of providing additional support to Cooperative Extension pursuant to County Law § 224; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.6420.COMC.4	Contractual—Promotion of Industry, Community Contracts	\$16,500
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.6420.COMC.R270.5000	Miscellaneous—Gifts and Donations	\$16,500
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 179-17

Authorize Acceptance of Credit Cards for Amounts Owed to the County

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

WHEREAS, Section 5 of New York General Municipal Law authorizes counties to accept credit cards as a means of payment for amounts owed to the County; and

REGULAR SESSIONS

WHEREAS, it is appropriate that the County Legislature confirm the County's past practice of accepting credit cards, and designate the Director of Finance to exercise oversight of the County's credit card payment procedures; therefore be it

RESOLVED, That it is in the public interest for the County to enter into agreements with one or more financing agencies or card issuers to provide for the acceptance of credit cards as a means of payment of fines, civil penalties, rent, rates, taxes, fees, charges, revenue, financial obligations or other amounts, including penalties, special assessments and interest, owed to the County; and be it further

RESOLVED, That under the oversight of the Director of Finance, County department heads and their designees are authorized to accept credit cards as a means of payment, and when appropriate in the discretion of the department head, require a service fee to be paid by the credit card user not exceeding the costs incurred by the County in connection with the credit card transaction, including any fee owed by the County to the financing agency or card issuer arising from that transaction.

Signed: Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – June 28, 2017

RES. NO. 180-17

Reallocate Appropriation Accounts to Accommodate Addition of Account Clerk Position for North Chautauqua Lake and Portland-Pomfret-Dunkirk Sewer Districts

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

WHEREAS, the Director of the North Chautauqua Lake and Portland-Pomfret-Dunkirk Sewer Districts is in need of a part-time account clerk to assist with administrative and budget tasks; and

WHEREAS, the North Chautauqua Lake and Portland-Pomfret-Dunkirk Sewer Districts can accommodate the addition of a part-time account clerk within their budgets; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2017 budget.

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services--Administration, Administration	\$ 6,805
ESN.8110.8112.8	Employee Benefits--Administration, Administration	\$ 1,195
ESP.8110.8114.4	Contractual--Administration, Administration	\$ <u>2,000</u>
	Total	\$10,000

DECREASE APPROPRIATION ACCOUNTS:

ESN.8120.8122.2	Equipment—Sanitary Sewers, Sanitary Sewers	\$ 8,000
ESP.8120.8124.2	Equipment—Sanitary Sewers, Sanitary Sewers	\$ <u>2,000</u>
	Total	\$10,000

Signed: Hemmer, Scudder, Wilfong, Gould, Starks, Borrello, Vanstrom, Whitford, Chagnon, Nazzaro, Muldowney

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Unanimously Adopted – June 28, 2017

RES. NO. 181-17

Authorize Transfer of Tax Foreclosure Property to Jamestown Urban Renewal Agency (JURA)

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

WHEREAS, the County has acquired through tax foreclosure proceedings two adjacent parcels located on Norton Avenue and Summit Avenue in the City of Jamestown, and

WHEREAS, the Chautauqua County Land Bank Corporation conducted a demolition on one of the two parcels and JURA has requested that the County convey both parcels to JURA for future development through a Habitat for Humanity project for the construction of a new owner-occupied single family residence; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties to JURA for \$1.00 each, with JURA responsible for all applicable real estate taxes and assessments commencing with the 2017-18 school taxes:

387.13-8-18	27 Norton Avenue
387.13-8-30	Summit Avenue parcel

Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – R/C/ Vote: 18 Yes; 1 Absent - June 28, 2017

RES. NO. 182-17
Quit Claim Deeds

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

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

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. 110-17; 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

REGULAR SESSIONS

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	Property Location	Purchaser	Offer Amount	Taxes Owning
QC-5-2017	C/Dnk	060300-79.11-2-29	14 N Gazelle St	ROBERT BREWER	\$ 3,589.58	\$ 3,589.58
QC-10-2017	C/Dnk	060300-79.14-2-72	104 W Second St	ANGELA M ELLIS	\$ 1,818.71	\$ 1,818.71
QC-15-2017	C/Dnk	060300-79.16-1-20	137 Nevins St	ESTATE OF SUZANNE STREK	\$ 5,943.78	\$ 5,943.78
QC-21-2017	C/Dnk	060300-79.18-3-48	517 Canary St	SUSAN L WATKINS	\$ 1,511.04	\$ 1,511.04
QC-48-2017	C/Jmst.	060800-370.19-3-47	230 Crossman St	JAMES C MCCRAY	\$ 3,551.65	\$ 3,551.65
QC-59-2017	C/Jmst.	060800-370.20-6-46	17 Bishop St	TIMMY R ECKER	\$ 3,745.67	\$ 3,745.67
QC-74-2017	C/Jmst.	060800-387.06-5-13	27 W 10Th St	LEARY WALKER SR	\$ 2,079.35	\$ 2,079.35
QC-84-2017	C/Jmst.	060800-387.09-5-1	101 Cook Ave	MICHELLE R JOHNSON	\$ 5,057.75	\$ 5,057.75
QC-86-2017	C/Jmst.	060800-387.09-7-39	117 Fairmount St	JAMESTOWN URBAN	\$ 1.00	\$47,963.62
QC-95-2017	C/Jmst.	060800-387.12-5-69	23 Cedar Ave	THOMAS ORMSBY	\$ 1,655.12	\$ 1,655.12
QC-96-2017	C/Jmst.	060800-387.13-1-8	151 Hallock St	CHRISTOPHER M GUIFFREDA	\$ 5,795.76	\$ 5,795.76
QC-97-2017	C/Jmst.	060800-387.13-1-9	149 Hallock St	CHRISTOPHER M GUIFFREDA	\$10,770.64	\$10,770.64
QC-102-2017	C/Jmst.	060800-387.14-6-69	33 Charles St	PETER GIORDON	\$ 4,049.35	\$ 4,049.35
QC-107-2017	C/Jmst.	060800-387.15-9-44	13 Axtel St	MARK A LARSON	\$ 5,514.83	\$ 5,514.83
QC-116-2017	C/Jmst.	060800-387.19-10-21	7 Mahon Pl	MICHAEL FELDMAN	\$11,698.32	\$11,698.32
QC-123-2017	C/Jmst.	060800-387.26-3-39	26 Grant St	DAVID METZLER	\$ 1,708.93	\$ 1,708.93
QC-124-2017	C/Jmst.	060800-387.26-3-40	Grant St	DAVID METZLER	\$ 390.08	\$ 390.08
QC-125-2017	C/Jmst.	060800-387.26-3-41	34 Grant St	BRIAN C YORK	\$10,825.37	\$10,825.37
QC-145-2017	Arkwright	062000-149.00-2-32	9008 Park Rd	JAMES P COLE	\$ 7,738.69	\$ 7,738.69
QC-151-2017	V/Lkwd.	062201-368.20-2-42	2 Pleasantview Ave	BONNIE BAMBUROSKI	\$ 6,831.85	\$ 6,831.85

QC-157-2017	Busti	062289-401.00-2-23	4465 Baker St	ROBERT J HAGEL	\$15,095.33	\$15,095.33
QC-167-2017	Charlotte	062689-233.00-2-13	Rt 60 Rear	JASON GENOVESE	\$ 2,947.60	\$ 2,947.60
QC-168-2017	Charlotte	062689-233.00-2-44	Route 60	JASON GENOVESE	\$ 878.71	\$ 878.71
QC-174-2017	Chaut.	062889-261.00-1-10.1	7681 Hannum Rd	JANET L CRANDALL	\$ 5,377.39	\$ 5,377.39
QC-175-2017	Chaut.	062889-261.00-1-9	Summerdale Rd	JANET L CRANDALL	\$ 273.61	\$ 273.61
QC-176-2017	Chaut. Cherry Creek	062889-263.19-3-4	5628 Leet Ave	ESTATE OF MAY SWAN	\$11,554.01	\$11,323.01
QC-186-2017	Ellery	063089-203.00-2-19.4	724 Weaver Rd	DAVID C SHELDON ESTATE OF DONALD JOSLYN	\$ 2,722.57	\$ 2,722.57
QC-188-2017	Ellery	063689-351.00-2-8	Pancake Hill Rd Rear	ESTATE OF DONALD JOSLYN	\$ 2,540.20	\$ 2,540.20
QC-189-2017	Ellery	063689-351.00-3-2.1	Pancake Hill Rd	ESTATE OF DONALD JOSLYN	\$ 661.38	\$ 661.38
QC-190-2017	Ellery	063689-351.00-3-46	3901 Pancake Hill Rd	ESTATE OF DONALD JOSLYN	\$16,641.71	\$16,641.71
QC-191-2017	Ellery	063689-351.00-3-6.1	Pancake Hill Rd	ESTATE OF DONALD JOSLYN	\$ 337.77	\$ 337.77
QC-227-2017	Gerry	064489-285.00-1-30	4993 Damon Hill Rd	FREEMAN SHIRLEY	\$ 3,537.40	\$ 3,537.40

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QC-228-2017	Gerry	064489-301.00-2-37	4770 Route 380	KATHLEEN P BARMORE	\$ 2,417.02	\$ 2,417.02
QC-229-2017	Gerry	064489-319.00-2-21	Kimballstand-Gerry Rd	JASON GENOVESE	\$ 3,440.41	\$ 3,440.41
QC-230-2017	Gerry	064489-319.00-2-22	Kimballstand-Gerry Rd	J & S SIGNS OF WNY INC	\$ 3,791.68	\$ 3,791.68
QC-231-2017	Gerry	064489-319.00-2-6	4298 Kimballstand-Gerry Rd	J & S SIGNS OF WNY INC	\$ 2,531.87	\$ 2,531.87
QC-235-2017	V/S. Crk.	064603-32.18-3-5.3	Buffalo St	IAN C MATNEY	\$ 305.70	\$ 305.70
QC-239-2017	V/S. Crk.	064603-49.06-2-28	52 Babcock Ave	BRIANNA SMITH	\$ 7,117.08	\$ 7,117.08
QC-241-2017	V/S. Crk.	064603-49.09-2-21	0 Main St	J & S SIGNS OF WNY INC	\$ 4,275.09	\$ 4,275.09
QC-243-2017	Hanover	064689-32.00-1-16.1	0 Rt 20	J & S SIGNS OF WNY INC	\$ 8,980.10	\$ 8,980.10
QC-244-2017	Hanover	064689-32.08-6-22	12839 Pleasant Ave	KENNETH H MESEL	\$11,015.73	\$11,015.73
QC-245-2017	Hanover	064689-32.08-6-23	0 Pleasant Ave	KENNETH H MESEL	\$ 538.62	\$ 538.62
QC-247-2017	V/Panama	064801-398.08-1-32	12 Wesleyan St	LEE ROBERT J FISCHER	\$ 5,416.41	\$ 5,416.41
QC-250-2017	Harmony	064889-432.00-1-27	326 Goshen Rd	TAMMY DICKERSON	\$ 987.35	\$ 987.35
QC-253-2017	Kiantone	065000-405.00-4-44	1611 Peck Settlement Rd	RICHARD E GRAHAM	\$ 2,126.99	\$ 2,125.23
QC-254-2017	Kiantone	065000-422.00-1-25	Kiantone Rd	SCOTT A SMITH	\$ 681.93	\$ 681.82
QC-255-2017	Mina	065200-309.00-1-1	9852 Sulphur Springs Rd	ANNA E KOPTA	\$ 9,452.10	\$ 9,452.10
QC-260-2017	Poland	065600-340.00-1-10	3978C Waterboro Hill Rd	TELEUS BRAZIER	\$ 376.08	\$ 376.08
QC-262-2017	V/Fredonia	065801-113.17-1-19	Berry St	DAVID C STEVENS	\$ 1,254.83	\$ 1,254.83
QC-268-2017	Pomfret	065889-181.16-1-1	Route 60	TIMOTHY ODE	\$ 1,687.82	\$ 1,687.82
QC-269-2017	V/Brocton	066001-144.20-1-25	W Main St	CARE CENTER RX MEDICAL	\$ 2,130.52	\$ 2,130.52
QC-270-2017	V/Brocton	066001-144.20-1-26.1	Greenbush Street Rear	CARE CENTER RX MEDICAL	\$ 4,560.98	\$ 4,560.98
QC-278-2017	Portland	066089-179.00-1-13	5434 Burr Rd	FRANCIS & MARABELL WINCHELL	\$ 9,629.16	\$ 9,629.16
QC-281-2016	Portland	066089-161.10-1-23	8757 Pecor St	BRIAN LUCE	\$ 1,000.00	\$ 7,821.28
QC-291-2017	Sheridan	066400-65.00-4-8	Rt 20	J & S SIGNS OF WNY INC	\$ 439.09	\$ 439.09
QC-292-2017	Sheridan	066400-81.00-1-21	2816 W Sheridan Rd	ESTATE OF CHARLES THIES	\$ 4,094.61	\$ 4,094.61
QC-300-2017	Stockton	066889-198.00-2-17	7381 Putnam Rd	DONALD FALKNER	\$ 4,858.72	\$ 4,858.72
QC-306-2017	Stockton	066889-232.00-1-30	Bowers Rd	TIMOTHY ODE	\$ 1,147.08	\$ 1,147.08
QC-307-2017	Stockton	066889-232.00-1-34	6409 S Stoc-Cass Rd	TIMOTHY ODE	\$ 3,939.96	\$ 3,939.96
QC-308-2017	Stockton	066889-232.00-1-42	Waterman Rd	TIMOTHY ODE	\$ 2,631.91	\$ 2,631.91
QC-309-2017	Stockton	066889-232.00-1-5	4090 Bruyer Rd	TIMOTHY ODE	\$ 2,985.56	\$ 2,985.56
QC-310-2017	Stockton	066889-232.00-1-52	4035 Bruyer Rd	TIMOTHY ODE	\$ 5,459.93	\$ 5,459.93
QC-311-2017	Villanova	067000-152.00-2-17.1	Dye Rd	KIM L. PRIEST	\$ 1,351.31	\$ 1,351.31
QC-315-2017	Westfield	067289-176.00-2-19	7332 E Main Rd	DONALD R RAMMELT	\$ 8,085.26	\$ 8,085.26
QC-316-2017	Westfield	067289-176.00-2-20	E Main Rd	DONALD R RAMMELT	\$ 1,409.83	\$ 1,409.83
QC-321-2017	Westfield	067289-260.00-2-17.5	8332 Pigeon Rd	DOUGLAS B HETRICK SR	\$11,789.36	\$ 11,789.36

~~-\$288,755.24~~ \$343,306.27

REGULAR SESSIONS

Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello, Gould
(Amended in A.C. – Strikeout parcel 86-2017 – Total Change: Offer Amt. \$288,754.24 and Taxes
Owing: \$295,342.65)

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent – June 28, 2017

RES. NO. 183-17
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 bankruptcy; 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:

Town	PID	Address	Property Type	Reason	Tax Liabilities
Sheridan	066400-29-22-31..SF1	NYS Thruway	Cable	Owner declared bankruptcy. Property off tax roll since 2005.	\$667.08
Sheridan	066400-29-22-31..SF2	NYS Thruway	Cable	Owner declared bankruptcy. Property off tax roll since 2005.	\$185.76
Sheridan	066400-29-22-31..SF3	NYS Thruway	Cable	Owner declared bankruptcy. Property off tax roll since 2005.	\$537.52

Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – June 28, 2017

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LOCAL LAW
INTRODUCTORY NO. 6-17
CHAUTAUQUA COUNTY

A LOCAL LAW ESTABLISHING A SUSTAINABLE ENERGY LOAN PROGRAM
IN THE COUNTY OF CHAUTAUQUA

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

Section 1. Title

This Local Law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Chautauqua” and shall read as follows:

Section 2. Legislative Findings, Intent and Purpose, Authority

a. It is the policy of both the County of Chautauqua and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County Legislature finds that it can fulfill this policy by providing clean energy financing to property owners for the installation of renewal energy systems and energy efficiency measures. This Local Law establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the County, to make funds available to Qualified Property Owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this Local Law and fulfilling an important public purpose.

b. The County is authorized to implement this Energize NY Benefit Financing Program pursuant to Article 5-L of the New York General Municipal Law.

Section 3. Definitions

For purposes of this Local Law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated.

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of Section Eighteen Hundred Fifty-one (§1851(2)) of the Public Authorities Law, or its successor.

County – Chautauqua County, State of New York.

EIC – The Energy Improvement Corporation, a local development corporation, duly organized under Section Fourteen Hundred Eleven (§1411) of the Not-for-Profit Corporation Law, authorized hereby on behalf of the County to implement the Energize NY Benefit Financing Program by providing funds to Qualified Property Owners (as defined in this Local Law), and providing for repayment of such funds from monies collected by the County tax collector as a charge to be levied on the real property and collected in the same manner and same form as the County property taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate Energy Efficiency Improvements that could be made to the property.

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Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weather stripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority. Energy efficiency improvement shall not include lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility as set forth under this Local Law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a Renewable Energy System.

Section 4. Establishment of an Energize NY Benefit Financing Program

a. An Energize NY Benefit Financing Program is hereby established by the County, whereby EIC, acting on the County's behalf, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this Local Law to finance the acquisition, construction, and installation of renewable Energy Systems and Energy Efficiency Improvements, and the verification of the installation of such systems and improvements.

b. The funds provided shall not exceed the lesser of ten percent (10%) of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

Section 5. Procedures for Eligibility

a. Any property owner in the County may submit an application to EIC on such forms as prepared by EIC and made available to property owners on the website of EIC and at County offices.

b. Every application submitted by a property owner shall be reviewed by EIC, which shall make a positive or negative determination on such application based upon the criteria for making a financing as enumerated in subsection a of Section 6 of this Local Law. EIC may also request further information from the property owner where necessary to aid in its determination.

c. If a positive determination on an application is made by EIC, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedures set forth under Section 7 of this Local Law; provided, however, that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction, and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

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Section 6. Application Criteria

Upon submission of an application, EIC shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

- a. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective by the Authority;
- b. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems will generate an estimated annual cost savings greater than the annual charge payments;
- c. Sufficient funds are available to provide to the property owner;
- d. The property owner is current in payments on any existing mortgage;
- e. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three (3) years; and
- f. Such additional criteria not inconsistent with the criteria set forth above as the County, or EIC acting on its behalf, may set from time to time.

Section 7. Opt-In, Energize Finance Agreement

- a. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an Energize Finance Agreement made by and between the Qualified Property Owner and EIC.
- b. Upon execution of the Energize Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC for the acquisition, construction, and installation of qualifying Renewable Energy Systems and/or Energy Efficiency Improvements provided the requirements of Section 8 of this Local Law have been met.
- c. The Energize Finance Agreement shall include the terms and conditions of repayment set forth under Section 9 of this Local Law.

Section 8. Energy Audit, Renewable Energy System Feasibility Study

- a. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 3.
- b. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 3.
- c. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

Section 9. Terms and Conditions of Repayment

The Energize Finance Agreement between the Qualified Property Owner and EIC shall set forth the terms and conditions of repayment in accordance with the following:

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a. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the Qualified Property Owner as a charge on their real property tax bill and shall be levied and collected at the same time and in the same manner as County taxes, provided that such charge shall be separately listed on the tax bill. The County shall make payment to EIC or its designee in the amount of all such separately listed charges within thirty (30) days of the County real property tax due date.

b. The term of such repayment shall be determined at the time the Energize Finance Agreement is executed by the Qualified Property Owner and EIC; provided, however, that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC.

c. The rate of interest for the charge shall be fixed by EIC at the time the Energize Finance Agreement is executed by the Qualified Property Owner and EIC.

d. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

Section 10. Verification and Report

a. EIC shall be responsible for verifying and reporting to the County on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such program.

b. The County shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 11. Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance 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 application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. SEQRA Determination

The County Legislature, pursuant to the State Environmental Quality Review Act (SEQRA), hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the New York Code of Rules and Regulations (6 NYCRR) as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection.

Section 13. Effective Date

This Local Law shall take effect upon filing with the Secretary of State.

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Emailed to Legislature: 6/16/17
 Adopted by Legislature: 6/28/17
 Public Hearing by County Executive: 7/17/17
 Adopted as LL 7-17

18 Yes: 1 Absent

Date State Filed: 7/21/17

2ND Privilege of the Floor

Emily Reynolds, Sherman, N.Y., and I am here on behalf of Cornell Cooperative Extension. I want to thank you for your continued support with that funding as we try to leverage all the State dollars that we can so I appreciate that and I wanted to personally welcome you to join us on July 24th for opening ceremonies at the Chautauqua County Fair. It will be at 10:00 a.m. at Gate 5 and will be followed by a tour with our 4-H members through the County Fair. So, it's July 24th at 10:00. Thank you.

Dan Heitzenrater, in my roll with the County Executive's office. I just want to also mention, as Mr. Borrello, the Regional Solutions Commission Chair said earlier that our application for the Municipal Consolidation Efficiency Competition we've been working on since it was accepted at Phase I back in February, was received today in Albany. So I want to thank the Legislature. I was not able to attend last month's meeting but I thank you for your support. Both in the form of the resolution supporting the grant but also in passing Government Reduction Initiative which really strengthen our application and shows the County's commitment to those initiatives. I also want to mention that we had a lot of support from all of our municipal officials who participated, the town and village staffs we're all very helpful and enthusiastic and of course the Regional Solutions Commission members which included a cross section of folks, both, including local leaders and citizens. Also want to thank our local press because we able to include dozens of pages of articles and (*inaudible*) stories that really also help to show that Chautauqua County is very active when (*inaudible*) those State initiatives and also doing a great job in keeping our public educated. So, thank you everyone for your support.

County Executive Vince Horrigan, Mayville. Today is Joe Porgiglia's last day. He'll be retiring effective tomorrow. He insisted on a quite small ceremony which the Chairman and I did today. But, Joe in his first two years has done incredible work here at the County, as you all know. Jessica Wisniewski is officially on the job tomorrow and just another example of great service to this community as we change out the senior staff. Thank you.

My name is Lynn Hoag, I reside at 3330 North Elena Maria, Tucson, Arizona. I do have a summer home here, 6001 Olde Road. My intention tonight was to present the unfortunate events and timeline that I have been researching to try and understand the timeline and begin a dialogue concerning the auctioning of our home here in Chautauqua. My husband is not in attendance because he's back in Arizona for work. Pete James, who we bought the house from 17 years ago is with me in support. We fell behind in our taxes, our property taxes, due to poor business economy and a medical issue injury to my son. We have forged through these times and we are coming current with our past due taxes. We made three calls by the direction of the last letter sent to us, the end of April is the closest that I can get to a date that would have been sent out from the tax office. These three messages, because my husband could not get through and I do have phone records showing his calls to the department with the timeframe that would have been reasonable for leaving a message. And he made those three calls by the direction of the last letter that was sent to us, dated April 20th but the Tax Department says that could have been sent out as late as the 27th. But, by direction of that letter, it said that we needed to call or email, but, it didn't say you had to email, it just said call or email and my husband made three calls and had to leave messages each time. Never getting through. He actually made four calls but I'm only calling it three because one, two of them

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were back to back and I asked him on the phone record why it did that occur? And he said, because I called, I got the message machine again and I thought well, I'll call again, maybe somebody will pick up. That didn't occur and so he left a message for the third time. But the message to the Tax office which they don't have any records of except for that first one after I continued to tell them that we – we have a message back on that one. There was one message back from the Tax office. Didn't give us any pertinent information and my husband was leaving information saying that our intention was to come current and per the letter, we needed the amount and the good through dates and that we were going to be in Chautauqua for a week starting June 14th. We came in late night on the 14th. So that information was relayed to Tax office per three messages. We received one, like I said, back, but it didn't give any pertinent information that we requested. Just said, hey, call us back again. We now know that one message call back from the Tax office could of and should have, in our eyes, given us the auction deadline but it didn't get relayed to us for some reason. That information did not get passed on in that one message that was left there.

Chairman Himelein: Mam, you got one minute more.

Mrs. Hoag: And that is to our detriment because now we have a home that is – I was shown the auction book today. It valued it at over \$300,000. It had no mortgage on it. We owed 15' and 16' taxes which was a total of about \$20,000. By the time, time goes on, you add in 2017 taxes, that brought it to around, \$30,000 but we tried to get that number so we could get a cashier's check telling them that we were going to be here, not even knowing that this date was a critical date. That just happened to be our timeframe to be here to bring my mother-in-law, Gramma, and set her up for the summer and get our cottage open. So our children are the 5th generation Chautauquians. We have brought our children up in this home and it's their home too. It is our intention to retire here and bring the next generation, their children literally walking in my children's footsteps at this property. Our home, again, completely paid off. This actually worked to our detriment. In talking to the Tax office, they had a lot of mortgagors, more people were being notified about one property. For us, it was just us and so they were inundated with what told us, with calls, and had lots of meetings with banks and with people like us too, but, for some reason, we've seem to have fallen through the crack. We didn't know the critical date. We were here willing and able to pay it. We just didn't know that that was the critical date. We got into town Thursday and Friday slipped away from us dealing with Gramma and Klingensmith, and gas company, and all the things that happen when you're in Arizona for 9 months and you now come to two homes that have to be opened up. Hindsight is 20/20. We were planning on paying for the taxes on Thursday and then on Friday and as far as we knew because of the way that we were dealt with on the phone, no messages, the one message didn't really give us any information. We didn't know that Monday wasn't going to be just as good as Friday. Not knowing that there was this tax auction. We've been told that there was a sign put in front of our home on May 27th, is what they are telling me and that the sign was in the picture. There is no picture. They can't come up with a picture that they told me had the sign that would have the date and I have our home – because of the issues that we went through went we started renting it because it's a slab home right on the lake, it needs to have heat throughout the winter, whether somebody is there or not you have

the heat on, so we actually, the last two years, had Klingensmith, an employee, staying there so that he could keep track of everything and make sure everything went well, so we've gotten ourselves in a situation that even if the economy were to turn down, which it has turned up for us and we're prepared to pay our taxes and come current, if it were to turn down, we're in a position where we've got it set up that this wouldn't ever happen again. It's just unfortunate timing and events that we just really feel that we fell through the cracks and we're just hopeful. I know that my husband is reaching out to each one of you and we're just hopeful that you guys can start some dialogue, get any questions answered you have. We understand that this is not typical procedure. We also understand that there have been exceptions to your auctions in the past. We're asking that you please do due diligence by asking us, the Tax company and auctions, anything else that we can do to try resolve this so that we don't lose our home. Thank you.

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Chairman Himelein: Anyone else to speak to the 2nd privilege of the floor? Seeing no one, I'll close the 2nd privilege of the floor. At this time I will ask Mr. Gould...

MOVED by Legislator Gould, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (7:48 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, July 26, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Tarbrake, SECONDED by Legislator Bankoski, the minutes were approved. (6/28//17)

1st Privilege of the Floor

Bob Reuther, from Lily Dale and I'm representing the Cassadaga Lakes Association in reference to resolution 195-17. I have a short letter to read. The Cassadaga Lake Association joins all the other associations and interested parties in expressing serious concern of the application of herbicides in Chautauqua County water bodies. Although as a small lake, we do not have the same issues and problems that affect Chautauqua Lake. We do not feel that herbicide application has been studied sufficiently to ensure that it is the best way to affectively control a product growth. Non selective nature of herbicides threatens the balance that allows lakes to stay healthy and the fishery to flourish. All lakes and fisheries are critical component of our quality of life and must be protected. The Cassadaga Lakes Association has successfully used mechanical harvesting for many years and has been able to provide a healthy balance that protects our fish and wild life habitat and at the same time allows for safe and enjoyable boating and swimming for all. We urge the Legislature to stop further herbicide use until adequate studies of their impact and effectiveness can be completed. If herbicides are used at all, it should be mandated that all Federal, State, and County rules and regulations are rigidly followed.

On a personal note, I have used and have firsthand experience of Aquathol-K. When the lakes association restarted back in the 80's, for two years we did in fact use herbicide. I can honestly say to all of you, there is nothing in the results that indicated to us that herbicides are anything more than a temporary and short-term solution to the problems of Chautauqua Lake. If you think that you are going to control those weeds up there and maintain a good body of water with fisheries and good tourism potential, you are not going to do it with herbicides. Thank you.

I'm Linda Barber, here on behalf of the Chautauqua Watershed Conservancy. I'm a year-around resident and I serve on the Board of the Conservancy. I'm a past President, I'm on the Executive Committee and the Conservancy is a member of the Alliance and I also serve on the Alliance Board. I am here tonight to speak on behalf of the Conservancy and on behalf of our 1,100 members to object to any public funds being used to pay for the herbicide 2-4D in usage in Bemus Bay or any other part of Chautauqua Lake. We have been part of the development, not only of the Chautauqua Watershed Management Plan but also the Chautauqua Lake Macrophyte Management Strategy and neither of those plans approves the use of 2-4D in our waterways. We do not believe that it is appropriate. We believe that it is potential harmful. I personally drink the water out of Chautauqua Lake and object to its use in our waterways. I ask that you, to the extent approve funding for the Alliance, which I believe it important, restricts any use of funds so that they may not be used for herbicides that include 2-4D. Thank you very much.

My name is Martin Willow, I'm a musky fisherman. My wife loves the birds and you have a lot of little ducks in our yard this year. Most importantly, I'm a year-around owner on the lake in

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Lakewood. What I have to say is very simple. The first thing you do is preventive. We haven't enacted preventive measures along the lake to keep down the weed growth. The first preventive measure is that we should have a ban on fertilizers used on lawns around the lake. The second one is a mandate for buffer zones. When I go fishing, I look and there are a lot of beautiful houses and they have big beautiful lawns and they have nothing stops the drainage of going into the lake. We have a buffer zone, many of my neighbors do. We have trees by the lake. One of my neighbors that doesn't have a buffer zone said, why don't you take down the trees? They block my view of the lake, down the lake, while he has a 100 feet to look at in his own lot. This is based on ignorance. Some of the people that fertilize that don't have buffer zones are year-around residents but many of them are vacationers or temporary residents that rent their houses to others. So that is the first thing that you should do. Anyone that talks about herbicide use on the lake without enacting the non-use of fertilizer, without having a buffer zone, is disingenuous in what is going to happen because they are the cause of the problem. Thank you.

My name is John Abel, I'm from North Warren, Pennsylvania and I'm here to speak on behalf of the Conewango Creek Watershed Association. I'm speaking by the way in regards to resolution 195-17. In particular, that part of the resolution which says, local lake organizations have begun to utilize the Macrophyte Management Strategy to initiate demonstration projects to further the health and usability of Chautauqua Lake, which I'm sure, refers to the demonstration project of the use of herbicides. One has already occurred that I'm aware of on June 26th. I'd also like to point out that we have other Directors here. We have Steve Kimball from Kennedy, New York, we have Ron Keeny from Warren, Pennsylvania. We are non-profit with members across New York State as well as Pennsylvania and our Board of Directors are also from Pennsylvania and from New York. We believe that prior to the authorization of any additional herbicides in Chautauqua Lake that a thorough environmental analysis or review is mandated to protect the public health and safety and the health and safety of pets and livestock. The safety of agricultural crops and products and the health of fish, wildlife and native aquatic plants downstream. Many people may not realize that Chautauqua Lake and Chautauqua Watershed is part of a much larger watershed, the Conewango Creek Watershed which covers 900 square miles, mostly in Chautauqua County, Cattaraugus County, and Warren County. This environmental analysis must include all potentially affected lands and waters including any downstream in the southern part of the State of New York and into Pennsylvania State. The environmental analysis must include all relevant State and local governments with jurisdiction including relevant government agencies in Pennsylvania. One thing that New York State DEC may or may not be aware of, I don't know, is that in Conewango Creek in Pennsylvania there are federally listed endangered species. We do not know the impacts of herbicide application on those species. This involves two states. It could also involve Federal entities including the US Fish and Wildlife Service. Because New York State and the Commonwealth of Pennsylvania share many watersheds including French Creek and Broken Straw and the Allegheny, I think that this might be an opportune time for the states of New York and Pennsylvania to consider working on a cooperative agreement with the US Department of Interior to preserve and protect endangered species both in New York State and in Pennsylvania within the Conewango Creek watershed. Thank you.

My name is John Shad and I'm here as a representative of Chautauqua Institution. Thank you for your diligence and your service to the County. We appreciate that. I'm going to read a letter that's referencing 195-17 that you will be voting on this evening. It's a letter that was also submitted to Executive Horrigan: Dear Members of the Chautauqua County Legislature. Chautauqua Institution has a significant concern for an interest in preserving Chautauqua Lake for the myriad purpose it serves as well as its' greater role in the ecology of our region and the eco systems that surround us. This interest causes us to remain not only as a model for watershed and lake preservation but also as an active participant in the organizations and partnerships that collaborate to address policy, practice and planning for the lake. At the present time, there are two very trusted sources, the Department of Environmental Conservation and the collaborative of highly experienced scientist who has spent

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years researching Chautauqua Lake. Many of them are here in this room who have diverging perspectives on the implications and outcomes of recent project in Bemus Bay launched at the petition of the Chautauqua Lake Partnership. It is not Chautauqua Institution's intent to argue the merits of either perspective. It is our role however to stay informed about the actions take that could impact the lake which is our communities primary water source. Our drinking water. It is of significant concern to us that these trusted sources are not in agreement on potential negative implications of the use of chemicals to treat unwanted lake vegetation. We are asking the Chautauqua County Legislature to abdicate for the DEC to create a forum where the important points of disagreement are vetted with all interested parties at the table. We suggest that no further use of herbicides or testing be pursued until the disagreements are vetted and understood by all parties. Chautauqua Institution would be delighted to host such a dialogue should that be helpful. It is also important to note that it appears that the DEC chose not to require the normal public comment period prior to their approval of the permit to launch the study at Bemus Bay. Chautauqua Institution wishes to understand why normal public engagement was not afforded for this project and we wish to be offered public hearings for all future considerations relative to this topic. We express appreciation to all of our public officials, lake staff, and volunteers, area scientific professionals and citizen scientist who are working in earnest to address the health and vitality of Chautauqua Lake. Thank you.

My name is Becky Nystrom, 93 Beach Street, Jamestown, New York. I currently serve on the Chautauqua County Management Alliance Science Committee. I have been serving on the Alliance Science Committee, served on the Technical Review Committee for the Alliance's Macrophyte Management Plan since its inception and as a long time biologist conservationist, community member, college educator, lover of our lake, and someone whose parents lived in Arnold's(?) Bay just downstream from Bemus Bay for 30 years. I'm speaking in opposition to the public funds being used to support the application of the herbicide, 2-4D, referred to as "Navigate" and endothal or Aquathol-K in Bemus Bay or anyplace else in Chautauqua Lake. In this recent application it's my opinion as a scientist, somebody who has been involved in the lake for decades, that the application did not follow proper scientific protocols nor did it follow the MMS requirements or guidelines. Specifically the MMS recognized certain zones in Bemus Bay to contain natural shorelines with unique plant communities, game fish spawning and rearing areas, and several environmentally sensitive areas in which herbicides should not be used, was restricted or should be restricted. Herbicide applications specifically not permitted in the game fish spawning areas during any time before July 1st according to the MMS. In spite of those restrictions, a combined application of both "navigate" and Aquathol-K was done on June 26th within, including, one of the zones designated for fish egg laying and rearing, during this restricted time. So, they put those animals at risk. The MMS also specifically says that the use of 2-4D or "navigate" was not recommended for the management of root Macrophyte in Chautauqua Lake and is not allowed in any environmentally sensitive areas. Yet according to the DEC permit, 2-4D was applied or was permitted to be applied in four of those zones in Bemus Bay and one of those was in the fish spawning area. Others have spoken to some of the other issues so I'm going to keep going because I have a lot of say here. But, 2-4D has been shown to reduce the rate of survival in ducks and waterfowl. It's toxic to some fish and causes mortality in cray fish, many muscle species, and certain (*inaudible*) or plankton. The other herbicide use Aquathol-K is known to be toxic to mammals. The use of both of these herbicides in the lake may lead to large numbers of fish deaths as the weed die and decompose and oxygen is being consumed. So they suffocated essentially. The fact that they were used during fish spawning and rearing is especially regrettable. Application of broad spectrum non selective herbicides such as these, only may have the acute and chronic effects on non-target species including our native and ecological valuable plant communities and the other organisms they support but also a may select for actual help promote the more aggressive species that we say we want to control. I'm very concerned that our County leaders, the public, and the lake residents do not understand the potential unknown chronic health impacts of herbicides, particularly these and have not asked sufficient questions about the chemicals they are using. Just because they are registered with the EPA and permitted by the DEC, and a company like (*inaudible*) who applies them does not make them safe. We need to use

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science and ask questions and we need to find out details. Interactions between pesticides have not been studied although two were used in combination in the Bay, would have long term synergistic effects. Toxicity word on the Aquathol –K label is danger or that from “navigate” is caution. From the EPA’s regulation.gov website, based on animal studies, endothal, the Aquathol-K is a caustic chemical with toxicity being the result of a direct genitive effect on tissue. By acute exposure, endothol is a skin sensitizer and an extreme irritant . By the acute oral and ocular mouth and eye routes of administration, dogs are particularly sensitive to endothol toxicity.

Chairman Himelein: One more minute please.

Ms. Nystrom: O.k., I’m almost done. According to the pesticide action that work which is pesticideinfo.org the 2-4D (*inaudible*) that was used as a skin, eye, and respiratory irritant that can lead to headache, vomiting, diarrhea, and kidney failure. It is a possible carcinogen listed by the International Agency for Research on Cancer, also a slight increased risk for non-Hodgkin’s lymphoma and potential ground water contaminate and suspected endocrindas rector. And these things are listed in that EU list on the Illinois EPA list. Studies are ongoing in the extent and implications of this are not clear. But the point is, we don’t understand all the implications, impacts, and consequences. Mostly acute things might be looked at but it’s the chronic and the synergistic impacts that are the unknowns. We are putting an awful lot at risk and herbicides in the past have not solved the problem and they are not going to solve the problem now. Thank you.

My name is Jane Conroe and I am a resident of Maple Springs, 4741 Whiteside Parkway. I am here this evening representing myself. This evening I want to mention just part of a story and that is, I think it is about time that all of us recognize that we have one batch of water on this planet and we’re the ones that are here right now. So, while we have one batch of water, once we have ruined it, it’s not coming back. It is our turn to step up to the plate and protect those waters and that is what we’re here to do tonight. We are here to say that putting chemicals in the water has never been a solution for picking up weeds. They are plants in the wrong place. The problem has been, for years, that they wash up on the shore and they cause a problem there. I will talk about that in just second. I want to first mention the fact that a couple of things about the science of this project that has already occurred, hasn’t quite been done properly. I’m right now concerned about the fact that this is a science experiment in progress. In the science lab in school, we used to put a label on the counter that said, science project in progress. Please do not touch. Leave it alone because someone else is working very hard at figuring out what is going on here. Right now we have a science project in progress. 2-4D is not going anywhere for about 3 years. It is in the sediment in Bemus Bay. It’s half-life is 186 days. The plants continue to absorb the 2-4D for as long as it’s there in the sediment. So, about 3 years from now, there is still going to be a quarter of a ton of 2-4D in the sediment of Bemus Bay. The experiment is not over. We are anxious to hear the results, what happened, what happened? We do not know yet. So, I beg you to not touch Bemus Bay for three years. One shore line cleanup, no herbicide treatment, no harvesting. Let the experiment run its course. It’s not over yet. With that, I want to remind us that the water is ours. It is ours now and we are now responsible to protect it. But what I want to read to you is from a document that is, well, it’s date was 1990. It says, lakeshore property owners should be encouraged to take a greater role in maintaining their properties. This would include hand pulling, nuisance, Macrophyte growths around their docks and swimming areas and also removing any fragmented vegetation that washes up onto shore. Indeed, the lakefront owner survey, appendix f, indicated that most annoyance with Chautauqua Lake Macrophyte was with regard to dead, decaying, masses of aquatic vegetation that float onto or near shore. In that light, landowners should be made aware of their responsibility to accept the burden for the (*inaudible*) undesired vegetation growths around their properties and not expect the CLA to do it all for them. I’m quoting from the 1990 supplemental environmental impact statement written by John Luensman. It was requested by the DEC when an environmental impact statement was written for the entire State of New York. Chautauqua Lake needed a special one. A supplemental one because

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we had more various specific conditions to be considered and we as a County, you, this body, wrote this document. John Luensman did it but your name is on it. You are the ones responsible for this lake. Please do not vote any money for the further use of herbicide. It's never been done in the past. Don't do it now. John Luensman would be proud of us tonight because all of the people here, he would be very, very proud of you. Thank you for coming.

My name is Janice Bowman, I'm an Ashville resident, 2017 Hoag Road. I'm also a Professor of Biology at Jamestown Community College and I'm speaking on my own behalf. I have a couple of things here. One is I'm going to speak as a scientist. I've been doing research on Chautauqua Lake since probably the late 1980's. I'm one of the researchers who continue to collect data and recently I had a group of college students doing research and so I was in Bemus Bay at the same time that Solitude was doing their initial survey. At that time, it is true, we had a good amount of *Potamogeton crispus* which is currently (*inaudible*) weed which dies back naturally before July 4th. We have not used herbicides against *Potamogeton crispus* because it disappears on its own. It's kind of a nuisance for a short period of time but then it dies back. The other one is Eurasian water milfoil which many of you are probably familiar with and that was the target plant for this herbicide application. We did see that in abundance but not at a critical level. Three weeks later, just prior, the day before they treated the lake, the Bay, with herbicide, I was out there again with my students and we did a survey of not just the lake plants but also the algae. We were watching that as well. In three weeks' time, the dynamic in that Bay had shifted dramatically. The (*inaudible*), the Eurasian water milfoil had died back quite a bit already. We attribute that probably to the weevils. Don't know for sure but several lake (*inaudible*) showed that it was not as abundant, anywhere close to abundant as it had been three weeks prior. The (*inaudible*) pond weed was already in decline. So the overall plant cover was very low at that point and that we what we were seeing was a native. I wrote letters showing this to those that are important asking please reevaluate the status of Bemus Bay and herbicide was applied. That is against scientific need. It was unnecessary. It was an unnecessary toxic application and I'm very disturbed as a scientist that that occurred. Not just a citizen, as a resident. I also want to share with you that this was a petition that was placed at a fish and bait shop and it says, we the undersigned are vehemently opposed to the use of aquatic herbicides in Chautauqua Lake. This is a place where a number of our fisherman come in and buy their bait and tackle and I have 71 names on this in just a few short weeks that it was sitting there. A good number of them are actually out of town residents. My husband is a fishing guide and he takes out of State people quite frequently out on the lake and there has been resounding concern about using herbicides in the lake from the fisherman's perspective. I will also point out that 2-4D as was noted something that does affect our water fowl. We have an amazing migratory bird collection that comes through here in the spring and in the fall. Many of whom are water fowl. So I'm very concerned from a chemical perspective, from a biological perspective, but also from a process perspective as to how this happened. I do not feel that the County should put a stamp of approval on the way that this occurred and I think that once again, the County is not – should not be endorsing something that we really know very little about. So, I'm asking you, no, please do not vote in favor of this. Thank you.

My name is John Dilly and I'm a resident of Chautauqua Institution, the property owner at 26 Foster. I am here to say as a concerned citizen the fact that this could happen in the first place. I also have training in mass transfer and it seems like while we have a lot of very good scientists around the lake, we don't know where this chemical additive in the lake is going to go. I've been told and probably a lot of people think that there is a north/south flow to the lake and there is but it's very slow. I talked to Dr. Peter Beason and he gave me some cross section information on the lake based on the outflow and the fastest flow in the lake other than the outflow is at Stow. It's .02 miles per hour. At the Bell Tower, it's .001. That .001 is five feet per hour so with the flow in the lake is very low and we'll be overwhelmed by wind driven currents which obviously is variable. So, I think one of the things in the future hopefully an environmental impact study will be done in the future like it should have been done here to see where it is going to go and how fast it's going to disperse. But, that is kind of – assuming that it should be put in the lake. I did look on the internet and found the Commonwealth of

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Massachusetts did a similar study for 2-4D and they recommended that 2-4D not be used in any pond or lake that fed a drinking water source. Also there is multiple providence in Canada that has banned the use of 2-4D and multiple countries in Europe. So, I don't understand why the local plans for the lake says don't use this how it got to be used. So, I'm concerned that this happened and I'm here speaking up. I'm a member of the CPO, the Chautauqua Property Owners Board, but I'm here speaking for myself. I grew up learning how to swim in this lake, I've been using this lake for 70 years and I realize there have been herbicide use in the past but this was particularly egregious with type of chemical used, the amount of chemical used, the lack of public input, and the lack of knowledge that it was going to be done. A lot of people didn't find out until the last minute. So, I'm here to say, I hope the County does not fund any future use of herbicide because that basically says that it's o.k. One final thing. I did an eco-tour - went down to Bemus Bay in a boat, 2 ½ weeks afterwards and took pictures of dead fish. I'm hoping there is data collection, has autopsy results to see what killed those fish. There was about a dozen of them in the lake and another dozen on the shore that the crows were eating for lunch. So, I beg you, please do not fund anymore herbicide application. Thank you.

I'm Jennifer McDow, I have a cottage at 5 Roberts in Chautauqua Institution but I'm also here speaking for myself. A couple of weeks ago, several weeks now, there was a meeting down at Bemus Bay of the group that was promoting putting this herbicide in the lake and I submitted a question at that time that was answered and the question was, how are you going to protect the surrounding fowl and fauna , the fish and beneficial plants in this lake when you apply this 2-4D? And the answer was, they will have to fend for themselves. That is the response that I got in this meeting. That is all that I have to say.

I'm Mary Laumer, I'm a resident of Chautauqua. The address is 2627 West Lake Road in Ashville. I also oppose any public funds going to the CLP for additional herbicide sprayings. I have a similar story that I'd like to relay, similar to the lady before me. I attended the lake rally in May that the CLP conducted over in Bemus. And my experience was they were lying, they were deceptive and they did not disseminate accurate information. As an example, there was a question and answer period at the end of their presentations and I submitted a question to them, how could they justify the use of 2-4D when the MMS, the Macrophyte Management Strategy specifically says it does not recommend it for the type of vegetation in Chautauqua Lake. The answer that was given, they read my question word for word and the answer was, well that is old information and they went on. It was very cavalier, it's wasn't scientific, it wasn't technical, it wasn't thoughtful, it was flippant. So again, I oppose any public funds going to this organization. Thank you.

My name is Ron Keeny, I'm a resident of Warren County, Pennsylvania as well and a fellow member of the Conewango Creek Watershed Association. I just wanted to add a couple of other impacts that I don't think anybody is thinking about but, the organic farming industry which is burgeoning, which is growing here in Chautauqua County and in our neighbors to the south in Warren County will be impacted by herbicide use in any other chemical use on Chautauqua Lake or anywhere else. Nothing stays put forever and sooner or later, when the organic farmers have to get recertified and if chemicals are found, they literally could be put out of business. So, I think that we have to look at the economic impacts to our local farmers here and not overlook that part of the equation as well. Thank you.

Chairman Himelein: Is there anyone else who would like to speak to the 1st privilege of the floor? Seeing no one, we'll move on.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 6/28/17

REGULAR SESSIONS

Can I speak to the first privilege of the floor? I didn't realize I was supposed to talk at this time? I want to talk about property being taken off (*inaudible*) and given to the Town of Busti.

Chairman Himelein: Yes. Well, let me see. Does everybody agree that this gentleman should be given first privilege of the floor?

Legislator Nazzaro: If it's regarding an item on the agenda.

Chairman Himelein: It's an item on the agenda. Seeing none – yes, go ahead. You will have your three minutes. State your name and address.

My name is Lee Fischer, I live at 2253 4th Avenue, Busti, New York. I have property on Fairmount Avenue and I have three large lots behind that property. I paid my taxes thinking that if I paid them by the 15th or 16th that everything would be o.k.. (*Inaudible*) small piece out front, 40x70 on the main road which is the most important piece to the land because it's highway commercial and I've been working for this property all my life for my retirement and I retired November of this past year. One piece got paid out in front on Fairmount Avenue on the 15th or 16th and I was on (*inaudible*) the fact that the town was trying to take it which I should have assumed that they might be because of the difficulties I have had in the past with them, saying that I had many violations on that piece of property on Fairmount Avenue was highway commercial. Was zoned to have storage. I can have boats or cars everything around the property and they made a big deal about some flowers in front of Fairmount Avenue that my wife lets grow in the summer time. Wild flowers and when they die off, I mow it down. I wish that the Legislators will consider the fact that I paid this property for 30 years just about. I have over \$100,000 invested just in the price of the property and the taxes. I put a roof on it two years ago, it cost me \$25,000 and we did the front of the building. It's not rubber or it wasn't abandoned like they tried to say it is. It's locked up, there is no broken windows, we put a new sash in the front of the building to make it look nicer and the town is always on me about not mowing the property. But in the Town of Busti, there is no law on mowing the property in the township. We're not in the village, we're in the township. People next door, the ice cream shack next to us, two years ago, I believe, two or three years ago, they put a dumpster next to my building. Well, they are complaining about vermin. While I was a (*inaudible*) operator for years. I just retired from that in November. So we didn't have any vermin there. We have one cat that lives on the property and maintains the mice in the building. We are there every day, we check the building. So with them saying that we abandoned the building and don't maintain it, it falsely wrong. I didn't realize that they had a meeting, or two meetings, or three meetings to go to committee to discuss my land. I ask that you take into consideration the thoughts of all the money that I have in there because they are taking a piece of property that is well worth probably \$200-\$250,000 and cutting it in half and that is my retirement they are taking away from me. That is all I have to say. Thank you.

I'm Lee Fischer's wife and – I'm Sharon Fischer, Lee's wife and I'm just here to kind of say I agree with everything that he is saying. I'm not sure, I can't hear well. I didn't hear everything he said but basically everything always comes down to the Town of Busti is, my wildflowers. They know I like my wildflowers, every year I grow my wildflowers and the only thing they can think of is to try and run over my wildflowers on my property. It's like a game we play every year. Kill Sharon's wildflowers because it's something she likes. But, I don't see that as a purpose to take away somebody's property worth a lot of money because I have wildflowers growing on my property. It's not really a big deal. A lot of people like my wildflowers and they said it made it hard to turn the corner there on First Avenue. Well, I have a lot of neighbors that live there and they have no problem turning the corner. They all say, we have no problem turning the corner, the flowers are not that tall. I mean, when you pull out you're ahead of the flowers so you can see fine. Most people are turning right but you can still see fine if the cars are coming, you're making a left turn. But any other year, Jessie Robbins makes sure he tells the town people to cut down the flowers there at that corner so they always run across my flowers. They drive across my entire yard to cut my flowers. They make it look a real mess

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because that's funny. So, I deal with this every year with them. It's just been a game for like 20 some years, over flowers. The other things that they talked about, like we have a boat. There is nothing wrong with having a boat on my property. It's legal to have a boat. It's a nice boat, it's probably worth about \$10,000. It's not a piece of junk like they said. They think that everything we own is a piece of junk. That is a lie. My cat always comes up in the picture of everything because it is something that they can use against me because I love my cats. I take care of my cats, I feed my cats every day. There is not a lot of cats down there now. We're the place they are talking about, I have one cat living there. It's a pet, my pet. She's been there like 12 ½ years. She doesn't go to the ice cream place like they try to accuse me of. She has no reason to go over there. She could care less. If I go in there, she is not causing any problems. There is not a lot of feral cats living down there like the story they always make up about it. There is nothing really bad going on down there, just always the town trying to make us look bad about everything we do because they always want our properties. I mean, it's just a scheme, always to take away our land. I mean, we own a lot of properties and if they can get them away from us, that would make them very happy and this is just one thing to get our most valuable piece of property from us. I mean, they know it's the most valuable piece of property we have because a lot of business is there. They said we did nothing. That is not true. We did a lot of things there through the years. (*Inaudible*) car lots have been there, we had Bits & Bites Deli there probably – when we first got the property. The whole front was remodeled for the deli. I mean, they said that we never did anything for 30 years and the whole front was remodeled for that business. And it's still remodeled inside. It looks just like it did back then. The building is solid, has a new roof, like my husband said, he fixed the front of the building, he painted the building, the only thing that I have is my flowers around the building. It's not like the building is falling into the ground or anything. The building is fine.

Chairman Himelein: One minute please.

Mrs. Fischer: Their plan is always to make it look bad, make us look bad. But, I don't see the purpose of them taking our property to put the sign that says, welcome to the Town of Busti because they've always told us our property was no good junk. Why would they want a Busti sign on my property. I mean, that was like a joke of all times. Put it on our property because they always make fun of our property and besides that, next door to our property, the Town of Busti, there is like a little island there, the Town of Busti owns that property. It is their property, all that's out there are a few trees which is a perfect place to put the sign. If that is the place to put a sign, put it there. They own it, they don't have to buy it. Just put the Welcome to the Town of Busti sign there. They should be perfectly happy with that. But, it doesn't need to be in my front yard. So, I'm just saying, I don't see - o.k., another thing. My husband and I were just planning on starting a car lot there. I mean, that was kind of our – I was going to start a car lot and he accidentally mentioned it to Jeff Swanson that I was going to do that and I told him, you don't have to tell them anything but he did so, I'm sure that's - I mean, that was like the finishing straw because they do not want us having a car lot because when we had cars there before, they always were trying to take our cars, make a big deal about the cars we had, and as a matter of fact, four years ago we had cars up behind it, (*inaudible*) City and they came and stole three of our cars. There is no reason for it. They came and literally stole our cars, took them away, never got them back and -

Chairman Himelein: Mame, your three minutes is up.

Mrs. Fischer: O.k, thank you.

I'm sorry, I didn't realize that this was the privilege that I should be talking at too because I guess – I'm on the agenda this time. Can I speak?

Chairman Himelein: You are? On what subject?

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You're voting on the tax auction, correct?

Chairman Himelein: Yes.

O.k., so that is what I am speaking on.

Chairman Himelein: O.k., you will get your three minutes.

O.K., thank you. My name is Lynn Hoag and I have a cottage at 6001 Gull Road. I am a part time resident here. I live in Arizona, more. I am trying to work that I'm semi retiring doing half time here, half time in Arizona and then fully time here in Chautauqua is our retirement plan. So, my husband and I bought a property, 6001 Gull Road from Pete James with his siblings 17 years ago, in 1999. Remodeled it in 2000, we paid \$250,000 at the James estate sale, we then put about another \$100,000 into it. The siblings kept it as a group for about 6 years. Each of the other siblings eventually didn't feel tied into it so they wanted out of the property and Brad and I were very attached. Bringing our kids back here every summer, spending time in that cottage even as the whole group owned it and we eventually bought each of them out. So that was probably about 10 years ago that we became full owners. I have talked to the Legislature at your last meeting about a month ago and I've talked with a small group of Legislators. We've made calls, so you guys have heard this before and you are aware and this is just the last chance that I have to speak and hope that you guys will reverse, take my property out of the tax auction. I was not given notice of the tax auction. I did not have knowledge of the deadline or the auction date. I've (*inaudible*) several meetings with Mr. Cafilisch and they did do the bare minimum of what needs to be done, I guess, is what he professes. But, I did not know of the tax auction and the deadline to redeem my property. I was actually in Chautauqua prepared to do that the month prior to getting here. Month and a half prior to getting here. My husband made several phone calls, we have documents of that on his phone record, leaving messages. They didn't return any but one phone call that had no information for us. Didn't tell us about that tax auction, didn't give us a date, didn't anything. We were calling off the letter that was dated April 20th. We received it the 23rd, his first phone call was the 24th, and we did get one call back, like I said, on April 35th, but it didn't give any pertinent information. He continued to call through May because this letter said, call to get your final number and you'll need to have a money order or cashier's check. You won't be able to write a regular check. So we needed that information from the tax office and they did not return our phone calls. We were petitioning them to give us the information so that we could come current.

Chairman Himelein: One minute please.

Mrs. Hoag: And they didn't return our phone calls. The phone log shows that but we made calls and they never returned them after the first one that didn't give us the information that we were after. So, I'm giving a last appeal to you, the legislative body, it's in your hands, you are able to take my property out of the slate that you'll be agreeing to tonight and hopefully we can work something out. We had planned to come current. We had business – my husband is a contractor so we had to – many flourishes but with the better economy, we've got fluid and it was our total intention to pay our taxes. Our house is worth - it's going to be different in everybody's eyes, but, I have \$400 grand into it. I have no mortgage. This was our retirement. Our plan was to come back here and be able to live and retire without a mortgage. Unfortunately because we didn't have a mortgage, they only had to try and get a hold of us. There wasn't anybody else that needed to be told about this, like banks. In my meetings, lots of banks were coming in and clearing properties for this to get them out of the tax auction but we didn't know that. We didn't have a bank to be doing it so unfortunately our \$400,000 is now zippo to us at this point. The tax office sold it for close to 200,000. I was told \$190,000 but I don't know. I haven't seen anything documented. The taxes were around \$20,000, still haven't been able to get a figure on that because even once we got here, they wouldn't give us – because the auction had occurred two days before we went into the tax office so –

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Chairman Himelein: Mame, your time is up. Please take that to committee, your subject. Take it to committee.

Mrs. Hoag: What does that mean?

Chairman Himelein: It means the next committee meeting that deals with your problem or perceived problem should be taken to them.

Mrs. Hoag: Which committee would that be and I will go?

Chairman Himelein: Administrative Services.

Mrs. Hoag: Administrative Services. O.k., I will find out from you when that meeting is? O.k., great. Thank you for your time and attention and it's my last appeal to try to get you guys to see this way but, I can keep my property –

Legislator Borrello: Point of order Mr. Chairman.

Mrs. Hoag: Thank you.

Chairman Himelein: Thank you.

Legislator Borrello: I would like to make it clear to this woman that if we vote in favor of this tonight, there is no appeal. That will be the final. I think that is important to point that out that if we vote on this tonight there will be no appeal. She cannot go to a committee, Administrative Services or whatever, that will be a final decision of this body. So just to make that clear.

Chairman Himelein: Correct.

Legislator Borrello: So make that clear. So, we are not exposing ourselves to any liability, thank you.

Mrs. Hoag: So the information that he just passed to me is not correct?

Legislator Borrello: It's not correct.

Mrs. Hoag: So, my understanding was that this is my last –

Legislator Borrello: Correct.

Mrs. Hoag: This is my last chance to appeal to you guys to try to help me. I am one of your constituents and I feel that I've been wronged and I did not have proper notice.

Chairman Himelein: Please mame –

Mrs. Hoag: Thank you.

Chairman Himelein: Thank you. Excuse the interruption. Now you may present your presentation.

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PRESENTATION: GROWING FOOD CONNECTIONS
 Food System Analysis Results
 By
 KELLEY MOSHER, BRENDAN SENEY
 &
 ERIN SWEENEY

COMMUNICATIONS:

1. Letter – Cornell Cooperative Extension – Re: Invite to Chaut. Co. Fair
 2. Letter – NYS Dept. of State – Re: Request from National Grid for Increase in Electric and Gas Delivery Rates
 3. Resolution – Fulton County – Opposing NYS Senate Bill S3327 & Assembly Bill A6519
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RES. NO. 184-17

Confirm Appointment – North Chautauqua Lake Sewer District Board

By Public Facilities Committee:
 At the Request of Chairman David Himelein:

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

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

Ray Cenni 36 Parkside Street Mayville, N.Y. 14757 Term Expires: 12/31/21	Replaces Wayne Dunbar
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Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong

Unanimously Adopted – July 26, 2017

RES. NO. 185-17

Adjust Budget to Move All Expenditures for Purchasing Manager to Finance Department

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

WHEREAS, the expenditures associated with the Purchasing Manager were split between several departments for the period from January 1, 2017 through June 12, 2017; and

WHEREAS, as of June 13, 2017, expenditures for the Purchasing Manager are consolidated in the Finance Department; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

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INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.1	Personal Services—Department of Finance	\$20,149
A.1310.----.8	Employee Benefits—Department of Finance	<u>\$12,219</u>
		<u>\$32,368</u>

DECREASE APPROPRIATION ACCOUNTS:

A.1620.----.1	Personal Services—Buildings & Grounds	\$ 3,053
A.1620.----.8	Employee Benefits—Buildings & Grounds	\$ 1,854
D.5010.----.1	Personal Services—Public Facilities Admin	\$12,211
D.5010.----.8	Employee Benefits—Public Facilities Admin	\$ 7,403
EL.8160.1000.1	Personal Services—Environment—Landfill	\$ 4,885
EL.8160.1000.8	Employee Benefits—Environment—Landfill	<u>\$ 2,962</u>
		<u>\$32,368</u>

Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Vanstrom, Whitford, Starks, Chagnon, Muldowney

Unanimously Adopted – July 26, 2017

RES. NO. 186-17

Adjust 2017 Budget for Public Facilities, Road Machinery Division

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

WHEREAS, Public Facilities, Road Machinery vehicle maintenance expenses have exceeded initial budgetary estimates; and

WHEREAS, the Public Facilities, Road Machinery department has received revenues from insurance claims in excess of budget; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual—Road Machinery	\$28,854
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INCREASE REVENUE ACCOUNT:

DM.5130.R268.000	Sale of Property—Insurance Recoveries	\$28,854
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Signed: Hemmer, Nazzaro, Scudder, Gould, Wilfong, Chagnon, Muldowney

Unanimously Adopted – July 26, 2017

RES. NO. 187-17

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.00

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

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WHEREAS, the Project for Bridge Painting, BINS 3323710, 3326140, 3325590, 2212730, 3324630, & 3324270 in the Towns of Carroll, Charlotte, Ellery, French Creek, Pomfret & Sherman, 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 \$420,000, to be borne at the ratio of 80% Federal funds, 15% State Marchiselli and 5% County 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 Project PIN 5762.00; and

WHEREAS, the local share is calculated to be \$21,000 and can be covered with existing funding in account D.5112.390; 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 Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share of the Project 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 – Capital Improvements, County Bridge Program \$399,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R358.9003	New York State Aid—Marchiselli Funds	\$ 63,000
D.5112.390.R458.9002	Federal Aid – Surface Transp Program	<u>\$336,000</u>
	Total	<u>\$399,000</u>

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

Unanimously Adopted – July 26, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 188-17

Acceptance of FAA and NYSDOT Funds for the Airport Pavement Major Crack Repair
(Design/Construction) at the Chautauqua County/Dunkirk Airport

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration ("FAA") a project application and received a grant from the FAA to pay 90% of the allowable costs incurred in accomplishing the following project at Chautauqua County/Dunkirk Airport: Airport Pavement Major Crack Repair (Design/Construction) FAA AIP Project No. 3-36-0022-XXX-2017 ("Project"); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Dunkirk Airport consisting of the Airport Pavement Major Crack Repair (Design/Construction), which is more fully described in the Project agreement; and

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

WHEREAS, pursuant to Resolution 133-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Airport Pavement Major Crack Repair (Design/Construction) under the Airport Improvement Program ("AIP"), and funding shares for the Project are as follows:

Federal	\$ 461,034
State	\$ 25,613
Local	<u>\$ 25,613</u>
Total Project Costs	\$ 512,260

; 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 agreement with the FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/ Dunkirk Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; 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 Balance—Reserve for Capital \$ 25,613

; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$ 25,613
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25993.4	Contractual— Rehab Airport Pavement DKK (2017)	\$ 512,260
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25993.R503.1000	Interfund Transfer – Interfund Transfer	\$ 25,613
H.5610.25993.R359.7001	NYS Aid – Airport Capital Grants	\$ 25,613
H.5610.25993.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ 461,034
	Total	\$ 512,260

Signed: Hemmer, Nazzaro, Gould, Wilfong, Chagnon, Muldowney (PF- Scudder voting “no”)

Adopted w/ Scudder voting “no” – July 26, 2017

RES. NO. 189-17

Acceptance of FAA and NYSDOT Funds for the On and Off Airport Obstruction Study at the Chautauqua County/Jamestown Airport

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (“FAA”) a project application and received a grant from the FAA to pay 95% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: On and Off Airport Obstruction Removal Study FAA AIP Project No. 3-36-0048-XXX-2017 (“Project”); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of the On and Off Airport Obstruction Removal Study, which is more fully described in the Project agreement; and

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

WHEREAS, pursuant to Resolution 134-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan (“ACIP”) and approved submission of an application for FAA and NYSDOT grant funds for the On and Off Airport Obstruction Removal Study under the Airport Improvement Program (“AIP”), and funding shares for the Project are as follows:

Federal	\$ 149,317
State	\$ 3,929
Local	\$ 3,930
Total Project Costs	\$ 157,176

; 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

JOURNAL OF PROCEEDINGS

RESOLVED, That Chautauqua County enter into agreements with the FAA and the NYSDOT for financial assistance for the Project described above at the Chautauqua County/Jamestown Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and the NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; 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 Balance—Reserve for Capital \$ 3,930

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$ 3,930

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25990.4 Contractual— Obstruction Removal Study JHW (2017) \$157,176

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25990.R503.1000	Interfund Transfer – Interfund Transfer	\$ 3,930
H.5610.25990.R359.7001	NYS Aid – Airport Capital Grants	\$ 3,929
H.5610.25990.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$149,317</u>
	Total	\$157,176

Signed: Hemmer, Nazzaro, Gould, Wilfong, Chagnon, Muldowney (PF- Scudder voting “no”)

Adopted w/ Scudder voting “no” – July 26, 2017

RES. NO. 190-17

Create Capital Project Budgets for New Projects in North County Industrial Water District No. 1

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

WHEREAS, on May 16, 2017, the Administrative Board of the North County Industrial Water District No. 1 approved the acceptance of a bid in the amount of \$30,970.46 for replacement of fire hydrants, and further approved the acceptance of a bid in the amount of \$48,650.00 for replacement of the roof on the Middle Road pump house; and

WHEREAS, the District’s fund balance is adequate to cover the cost of the repairs; now therefore be it

REGULAR SESSIONS

RESOLVED, That EW Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EW.-----924.0000	Fund Balance – Net Assets-Unrestricted (Deficit)	\$79,621
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following 2017 budgetary changes:

ESTABLISH AND INCREASE CAPITAL EXPENSE ACCOUNTS:

EW.8310.38991.4	Contractual—Fire Hydrant Replacements	\$30,971
EW.8310.38992.4	Contractual—Roof for Pump House	\$48,650
	Total	\$79,621

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

Unanimously Adopted – July 26, 2017

RES. NO. 191-17

Acceptance of CARTS FTA Section 5311 Formula Grants for Rural Areas Program

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

WHEREAS, the County of Chautauqua has been approved for a grant of funds by the New York State Department of Transportation, pursuant to the Section 5311 Formula for Rural Areas Program, for the following projects:

1.) Acquisition of Communication Systems	\$57,500
2.) Terminal, Bus/Rehab/Renovations – Admin Building	\$ 7,000
3.) Acquisition/passenger shelter	\$19,000
4.) Maintenance Facility	\$11,500
5.) Rehab/Renovation Shop Equipment	\$ 2,950
6.) Rehab/Renovation Shop Equipment	\$51,526
7.) Purchase Shop Equipment	\$51,271
8.) Maintenance Facility	\$43,430
9.) Acquisition/Bike Equipment	\$19,700;
and	

WHEREAS, funding for the Acquisition of Communication Systems set forth above is shared at a rate of 80% Federal, 10% State and 10% local funds, with the local share being previously approved and included in the capital budget; and

WHEREAS, the State will provide 100% of the funding for all other projects listed above (items 2 through 9); therefore be it

RESOLVED, That the County Executive is authorized to sign all necessary documents and agreements with the State of New York to receive funding for the projects; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5630.25995.4 Contractual— Accel Transit Grant (2017) \$206,377

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5630.25995.R359.7000 NYS Aid – Transp Capital \$206,377

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

Unanimously Adopted – July 26, 2017

RES. NO. 192-17

Authorize Agreement with Chautauqua County Soil & Water Conservation District

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Board of Supervisors established the Chautauqua County Soil and Water Conservation District (the "District") in 1944, which is a political subdivision of the State pursuant to New York Soil and Water Conservation District Law (SWCDL); and

WHEREAS, as set forth in SWCDL, the purposes of the District include the conservation of the soil and water resources of the County, the improvement of water quality, the control and prevention of soil erosion, the prevention of floodwater and sediment damages, the improvement of drainage and irrigation of agricultural lands, the maintenance of the navigability of rivers and harbors, the preservation of wildlife, the protection of the tax base, the protection of public lands, and the promotion of the health, safety and general welfare of the people of Chautauqua County; and

WHEREAS, it is appropriate that the County and its departments, including the Department of Public Facilities, enter into agreements with the District from time to time in furtherance of the missions of the County and the District; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered, within budget appropriations, to enter into agreements with the District for consulting assistance, project implementation, and such other services as may be needed on behalf of the County.

Signed: Chagnon, Odell, Starks, Niebel

Unanimously Adopted – July 26, 2017

RES. NO. 193-17

Accept Grant Funds from the New York State & Municipal Facilities Capital Program and Approve SEQRA Assessment

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua Lake is an invaluable resource to Chautauqua County and New York State; and

REGULAR SESSIONS

WHEREAS, the environmental health of Chautauqua Lake is threatened by excessive weed and algae growth which can result in unhealthy shoreline conditions; and

WHEREAS, New York State has made available \$100,000 for the purchase of equipment to assist with the collection and removal of near-shore floating vegetation through the State & Municipal Facilities Capital Program; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development desires to accept the grant funding in the amount of \$100,000 from the State & Municipal Facilities Capital Program for funding to purchase equipment to assist with the collection and removal of near-shore floating vegetation on Chautauqua Lake; and

WHEREAS, a New York State Environmental Quality Review ("SEQRA") must be undertaken by the County as a condition of the grant award in order to receive said funds; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development has completed a Short Environmental Assessment Form ("SEAF") and recommends the action be classified as an Unlisted Action and does not require additional environmental review; therefore, be it

RESOLVED, That the County Executive is hereby authorized to accept the State & Municipal Facilities Capital Program grant in the amount of \$100,000.00 for funding to purchase equipment to assist with collection of near-shore floating vegetation on Chautauqua Lake and to enter into any contracts or agreements to implement the grant; and be it further

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

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2017 Budget:

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37994.R389.7000	New York State Aid—	
	Cultural & Rec Capital Grants	\$100,000

ESTABLISH & INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37994.4	Contractual—Planning,	
	Floating Vegetation Rem Eq (2017)	\$100,000

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

Unanimously Adopted – July 26, 2017

RES. NO. 194-17

Commitment of Matching Funds for New York State Department of Environmental Conservation/New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant Program for the Mayville – Chautauqua Stormwater Management Engineering Study

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

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WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the Chautauqua County Department of Planning and Economic Development ("PED"), the Chautauqua Lake and Watershed Management Alliance ("Alliance"), the Village of Mayville, and the Town of Chautauqua are partnering to provide grant writing, local match commitment, grant administration services, and technical services to procure funding to deliver an engineering study to improve water quality and stormwater management, which will inventory current stormwater infrastructure and identify stormwater projects which can be pursued in the future that will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the New York State Consolidated Funding Application ("CFA") offers state-wide grant funding programs which provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match of cash and/or in-kind services; and

WHEREAS, the 2017 CFAs include Round 7 of the New York State Department of Environmental Conservation / New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant ("EPG") program, which offers grant funding to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund ("CWSRF") water quality projects; and

WHEREAS, the ultimate goal of the EPG program is to advance water quality projects to construction, and successful applicants can use the engineering report funded by the grant to seek financing through the CWSRF program or other funding entities to further pursue identified solutions; and

WHEREAS, the CCDPED, Alliance, Village of Mayville, and Town of Chautauqua have identified the Mayville – Chautauqua Stormwater Management Engineering Study for application to the EPG program, which provides reimbursement funding for water quality improvement projects with a maximum award of \$100,000, with applicants providing the local match contribution of at least 20% of the total grant amount; and

WHEREAS, the Village of Mayville will be the grant applicant, partnering with the County and the Town of Chautauqua for match funding, and the Alliance for match funding, grant writing, grant administration and project implementation oversight; and

WHEREAS, the total study costs have been identified as \$135,300 resulting in EPG requested funding of \$100,000 and local match needs of \$35,300; and

WHEREAS, the Village of Mayville and the Town of Chautauqua have resolved to provide \$5,000 each toward the local grant match, leaving \$25,300 in needed additional local funding; and

WHEREAS, the Alliance has resolved to provide \$12,650 from its Foundation Match Fund; and

WHEREAS, by Resolution 131-15, the County reallocated capital project program dollars to specifically provide matching funding for grants to undertake Alliance member capital projects to help Chautauqua Lake and its watershed and has \$68,001 still available; and

REGULAR SESSIONS

WHEREAS, the County desires to match \$12,650 in local funding to the EPG program for the Mayville – Chautauqua Stormwater Management Engineering Study from the reallocated Alliance capital projects grant program funds established under Resolution 131-15; therefore, be it

RESOLVED, That the County shall match \$12,650 in local funding towards the EPG program for the Mayville – Chautauqua Stormwater Management Engineering Study from the reallocated Alliance capital projects program funds established under Resolution 131-15.

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

Unanimously Adopted – July 26, 2017

RES. NO. 195-17

Commitment of 2% Occupancy Tax Reserve Funds to the Chautauqua Lake and Watershed Management Alliance for Implementation of the Chautauqua Lake Watershed Management Plan, the Macrophyte Management Strategy, and the Chautauqua Lake Local Waterfront Revitalization Program

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, the Chautauqua Lake and Watershed Management Alliance (“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 Local Waterfront Revitalization Program (“guidance documents”) on behalf of its members to benefit the water quality of Chautauqua Lake and the community in general; and

WHEREAS, the recent relevant guidance documents highlight a commitment to an ecosystem-based management approach including adaptive management as a defining principle; and

WHEREAS, local lake organizations have begun to utilize the Macrophyte Management Strategy to initiate demonstration projects to further the health and usability of Chautauqua Lake; and

WHEREAS, macrophyte growth within Chautauqua Lake may restrict tourism activities during the 2017 season and may cause the expenditure of the annual funds allotted by Chautauqua County to support the control of such macrophyte impacts; and

WHEREAS, lake conditions can vary year to year, and these ever-variable conditions can create a short-term community need whereby a science-based response and its associated funding must be mobilized quickly; and

WHEREAS, the Alliance is best positioned to prioritize projects recommended in the guidance documents through obtaining Alliance Board approval; and

WHEREAS, Chautauqua County desires to designate \$100,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund to the Alliance for implementation of recommendations published in the guidance documents; for local match on grant submissions; to facilitate assessment and appropriate funding response to periodic or changing environmental conditions; and to disperse

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needs-based local funding to undertake Alliance-member projects to help Chautauqua Lake and its watershed; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$304,141; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$100,000 from the 2% Occupancy Tax Lakes and Waterways Reserve Fund to the Alliance for implementation of recommendations published in the guidance documents; for local match on grant submissions; to facilitate assessment and appropriate funding response to periodic or changing environmental conditions; and to disperse needs-based local funding to undertake Alliance member projects to help Chautauqua Lake and its watershed; provided, however, the use of the 2% funds shall be limited to operational (as opposed to capital) purposes in 2017, and except in the case of local match for grants, County funds will be dispersed to the Alliance only on a reimbursement basis after the expense has been incurred; and be it further

RESOLVED, That funds authorized pursuant to this resolution shall not be used for the application or purchase of herbicides or any other related expense; 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 be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway \$100,000

And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$100,000

Signed: Chagnon, Nazzaro, Muldowney, Gould (Tabled in PED): (Amended in A.C.)

Moved by Legislator Odell, SECONDED by Legislator Tarbrake to amend. (See underlined in 1st RESOLVED and strikethrough in the new 3rd RESOLVED. – R/C Vote: 11 Yes; 6 No – *Unanimously Carried*

MOVED by Legislator Hemmer, SECONDED by Legislator Nazzaro to add a new 2nd RESOLVED (see underlined) – R/C Vote: 17 Yes; 2 Absent – *Unanimously Carried*

Adopted as amended - July 26, 2017 – R/C Vote: 13 Yes; 4 No; (No's: Bankoski, Gould, Nazzaro, Vanstrom)

REGULAR SESSIONS

RES. NO. 196-17
Environmental Assessment of Projects for 2018 2% Occupancy Tax Projects

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

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 175-17 that the Chautauqua County Department of Planning & Economic Development ("CCPED") conduct a New York State Environmental Quality Review ("SEQRA") for the projects approved by the Waterways Panel for funding in 2018 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 6 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law; and

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

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

RESOLVED, That the County hereby finds and determines that Actions listed and identified below will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, is issuing a negative declaration.

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Keefe Farm Ag Nutrient Chautauqua County Soil & Water Conservation District	1	\$ 40,000	\$ 40,000
Reliance Dairy Silage Leachate Chautauqua County Soil & Water Conservation District	2	\$ 40,000	\$ 40,000
Silver Creek Dam Removal Chautauqua County Soil & Water Conservation District	3	\$ 40,000	\$ 40,000
Riverwalk Chautauqua County Soil & Water Conservation District	4	\$ 30,640	\$ 30,640
Starr Point Farms Ag Nutrient Chautauqua County Soil & Water Conservation District	5	\$ 39,888	\$ 39,888
Prendergast-Davidson Chautauqua County Soil & Water Conservation District	6	\$ 35,970	\$ 35,970

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

Unanimously Adopted – July 26, 2017

RES. NO. 197-17

Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism

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

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

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

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation as the local tourist promotion agency for the Matching Fund Program sponsored by the New York State Division of Tourism;
therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism and authorizes the Chautauqua County Visitors Bureau to make applications for matching tourism funds, to receive such matching funds, 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 shall comply with the following requirements for implementing the Matching Funds Program:

1. A dedicated bank account shall be maintained for the purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share in accordance with the Program guidelines;
2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the Program guidelines;
3. All discounts and refunds shall be maintained in the Matching Funds Program account and shall be expended for generic County advertising according to the Program guidelines; and
4. Account(s) shall be reconciled monthly and at the end of the Program, and the required quarterly and annual reports shall be provided to the New York State Division of Tourism in accordance with the Program guidelines; and be it further

REGULAR SESSIONS

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the state fiscal year from April 1, 2017 through March 31, 2018.

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

Unanimously Adopted – July 26, 2017

RES. NO. 198-17
Setting Salary for Senior Water Resource Specialist

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

WHEREAS, the Director of Health and Human Services has requested that salary be set for a new professional level position of Senior Water Resource Specialist assigned to oversee the hydrology function of the County in the Department of Health and Human Services (HHS), including the development of both information and programs involving hydrological and water resource research activities, source water protection and development of strategies to protect drinking water and public health; and

WHEREAS, the Human Resources Department has classified the job as Senior Water Resource Specialist and supports the request that the salary be set at Grade 24; therefore be it

RESOLVED, That the title of Senior Water Resource Specialist be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 24.

Grade 24 (2017: \$27.41 - \$35.39) 35 hours per week
(\$49,886 - \$64,410 per year)

Signed: Scudder, Vanstrom, Whitford, Starks, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - July 26, 2017

RES. NO. 199-17

Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

By Administrative Services and Audit & Control Committees:
At the Request of County Executive 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

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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, 2020. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (f) of Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(f) With respect to the additional one percent rate of taxes imposed for the period beginning December 1, 2015, and ending November 30, 2020, 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, 2020, 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 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, 2017.

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

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - July 26, 2017

RES. NO. 200-17

Transfer of Foreclosed Properties to Chautauqua Land Bank Corporation

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

REGULAR SESSIONS

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, the CCLBC has secured \$3.97 million to date 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 22 vacant lots and 42 residential structures to productive use, has leveraged approximately \$1,625,000 in private investment related to renovation activities, and has worked with the municipalities to demolish more than 45 residential and mixed-use properties county-wide at a cost to the Land Bank of nearly \$1,000,000; and

WHEREAS, the County Legislature has transferred distressed tax foreclosure properties to CCLBC at no cost, but CCLBC expends between \$2,000 and \$6,000 for each acquired property as it pays the first year's taxes, cleans the interior and exterior of the properties, secures the properties, has them appraised, and lists them through the Multiple Listing Service (MLS) so that they can be made available to the public for negotiated sale; and

WHEREAS, CCLBC has all properties appraised as-is and lists them for sale at 60% of the appraised value in order to incentivize and maximize investment by the purchasers for the require renovation work; and

WHEREAS, based on historical sales, CCLBC has sold properties for approximately \$10,000 per property on average, and any "profits" realized by CCLBC are being reinvested directly back into improving the County's housing stock through a range of activities including renovation, side lot disposition, and demolition projects; and

WHEREAS, CCLBC aspires to become self-sustaining as it builds its capacity over time; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties containing distressed or at risk structures to the Chautauqua County Land Bank Corporation at no cost, and upon such other terms and conditions negotiated by the County Executive:

Auction Number	City/Town	PID	Property Location	Property Type
PA-9-2017	C/Dunkirk	060300-79.12-5-42	109 Moffett St	Two Family Residence
PA-28-2017	C/Dunkirk	060300-79.19-7-28	707 Deer St	Single Family Residence
PA-29-2017	C/Dunkirk	060300-79.19-7-29	Columbus St	Residential Vac Land
PA-34-2017	C/Dunkirk	060300-79.57-1-5	200 Park Ave	Single Family Residence
PA-35-2017	C/Dunkirk	060300-96.05-1-21	135 Willow Rd	Single Family Residence
PA-53-2017	C/Jmstn.	060800-370.19-5-69	119 Newton Ave	Single Family Residence

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PA-54-2017	C/Jmstn.	060800-370.19-7-53	310 Price St	Two Family Residence
PA-55-2017	C/Jmstn.	060800-370.20-1-43	206 Thayer St	Single Family Residence
PA-83-2017	C/Jmstn.	060800-387.09-2-29	31 Hall Ave	Two Family Residence
PA-112-2017	C/Jmstn.	060800-387.18-2-1	1027 Newland Ave	Single Family Residence
PA-115-2017	C/Jmstn.	060800-387.18-9-3	8 Fairfield Ave	Single Family Residence
PA-117-2017	C/Jmstn.	060800-387.19-10-51	49 Linwood Ave	Single Family Residence
PA-126-2017	C/Jmstn.	060800-387.26-3-43	42 Grant St	Single Family Residence
PA-105-2015	C/Jmstn.	060800-404.08-1-39	Linwood Ave	Residential Vacant Land
PA-143-2017	C/Jmstn.	060800-404.08-1-40	179 Linwood Ave	Two Family Residence
PA-192-2017	Ellery	063689-368.00-1-20.1	Willow Ave	Residential Vac Land
PA-200-2017	Ellicott	063889-353.00-1-26.1	3355 N Main St Ext	Rural Residence
PA-201-2017	Ellicott	063889-353.00-1-30	3339 N Main St Ext	Single Family Residence
PA-213-2017	Ellicott	063889-386.11-5-16	132 Howard Ave	Single Family Residence
PA-217-2017	Ellicott	063889-388.00-3-8	2087 Willard St Ext	Single Family Residence
PA-246-2017	Hanover	064689-49.03-1-24	12182 Old Main Rd	Single Family Residence
PA-263-2017	Pomfret	065801-113.20-2-57	196 Liberty St	Single Family Residence
PA-264-2017	Pomfret	065801-130.02-1-42	391 Water St	Single Family Residence
PA-275-2017	Portland	066089-161.10-1-36	6384 Rt 20	Single Family Residence

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

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - July 26, 2017

RES. NO. 201-17
Quit Claim Deeds

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

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

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. 110-17; 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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-1-2017	C/Dnk.	060300-78.16-1-23	Mahalaxmi Enterprise LLC	\$ 5,200.00	\$ 7,191.01
PA-2-2017	C/Dnk.	060300-78.16-1-24	Mahalaxmi Enterprise LLC	\$ 41,600.00	\$ 66,641.34
PA-3-2017	C/Dnk.	060300-78.16-1-26	Mahalaxmi Enterprise LLC	\$ 83,200.00	\$119,895.33
PA-4-2017	C/Dnk.	060300-78.20-1-21	Darius LBuchanan	\$ 29,000.00	\$ 15,753.93
PA-6-2017	C/Dnk.	060300-79.11-2-51	Jose A Gonzalez	\$ 8,000.00	\$ 901.35
PA-7-2017	C/Dnk.	060300-79.11-5-64	Andre Persaud & Deborah Briggs	\$ 9,500.00	\$ 3,360.62
PA-8-2017	C/Dnk.	060300-79.11-6-70	Nevin E Miller	\$ 10.00	\$ 976.65
PA-323-2017	C/Dnk.	060300-79.16-2-71	Michael K Sek	\$ 10.00	\$ 4,209.29
PA-324-2017	C/Dnk.	060300-79.16-2-75	Nevin E Miller	\$ 60.00	\$ 23,468.78
PA-17-2016	C/Dnk.	060300-79.16-7-51	Paul F Trippy Jr.	\$ 10.00	\$ 307.24
PA-25-2017	C/Dnk.	060300-79.19-3-7	Joseph Reynolds	\$ 15,000.00	\$ 3,813.56
PA-40-2014	C/Dnk.	060300-79.19-7-22	Nevin E Miller	\$ 50.00	\$ 3,237.05
PA-27-2017	C/Dnk.	060300-79.19-7-24	Prudencio Ortiz	\$ 14,000.00	\$ 5,007.05
PA-33-2017	C/Dnk.	060300-79.20-8-53	Chautauqua Rentals LLC	\$ 18,000.00	\$ 6,383.29
PA-28-2015	C/Dnk.	060300-79.57-1-31	Edward Harof	\$ 25.00	\$ 4,468.11
PA-36-2017	C/Dnk.	060300-96.05-1-4	Paul F Trippy jR	\$ 30.00	\$ 208.62
PA-38-2017	C/Dnk.	060300-96.07-2-50	Darius L Buchanan	\$ 375.00	\$ 409.44
PA-38-2016	C/Jmstn.	060800-370.18-2-56	Herbert F Brown	\$ 3,000.00	\$ 4,476.96
PA-49-2014	C/Jmstn.	060800-370.18-2-62	Brenda L Strasser	\$ 10.00	\$ 3,667.15
PA-45-2017	C/Jmstn.	060800-370.18-4-67	Guy P Haskins	\$ 800.00	\$ 3,169.64
PA-47-2017	C/Jmstn.	060800-370.19-2-32	Bradley A Mason	\$ 13,000.00	\$ 6,071.20
PA-49-2017	C/Jmstn.	060800-370.19-4-22	Ruben D Mascitti	\$ 220.00	\$ 4,119.34
PA-51-2017	C/Jmstn.	060800-370.19-4-76	Herbert F Brown	\$ 2,000.00	\$ 4,267.52
PA-57-2017	C/Jmstn.	060800-370.20-3-47	Brenda L Strasser	\$ 10.00	\$ 5,772.27
PA-62-2017	C/Jmstn.	060800-370.20-7-31	Brandt Z Doucette	\$ 1,425.00	\$ 7,966.76
PA-63-2017	C/Jmstn.	060800-370.20-7-32	Brandt Z Doucette	\$ 75.00	\$ 671.45
PA-69-2017	C/Jmstn.	060800-386.08-5-15	Jennifer Suzanne Randall	\$ 3,500.00	\$ 6,029.06
PA-72-2017	C/Jmstn.	060800-387.06-2-48	Karla M Gonzalez	\$ 24.00	\$ 375.05
PA-73-2017	C/Jmstn.	060800-387.06-2-49	Karla M Gonzalez	\$ 76.00	\$ 860.20
PA-76-2017	C/Jmstn.	060800-387.08-1-30	Cara I Turner	\$ 100.00	\$ 3,582.45
PA-81-2017	C/Jmstn.	060800-387.08-9-53	Sigfredo Martinez	\$ 6,500.00	\$ 3,680.35
PA-82-2017	C/Jmstn.	060800-387.08-9-79	Dean A Golem	\$ 7,500.00	\$ 3,680.35
PA-85-2017	C/Jmstn.	060800-387.09-6-25	Danton J Hilldale	\$ 10.00	\$ 274.86

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PA-61-2015	C/Jmstn.	060800-387.12-1-37	Karla M Gonzalez	\$ 10.00	\$ 4,317.61
PA-130-2014	C/Jmstn.	060800-387.12-2-44	Karla M Gonzalez	\$ 10.00	\$ 5,166.61
PA-91-2017	C/Jmstn.	060800-387.12-3-22	Taylor P Bennett	\$ 1,328.00	\$ 2,701.71
PA-92-2017	C/Jmstn.	060800-387.12-3-23	Taylor P Bennett	\$ 272.00	\$ 2,367.03
PA-63-2015	C/Jmstn.	060800-387.12-4-1	Steven & Melinda Worden	\$ 290.00	\$ 10,936.21
PA-181-2011	C/Jmstn.	060800-387.12-4-41	Thomas Hayes	\$ 10.00	\$ 696.20
PA-93-2017	C/Jmstn.	060800-387.12-4-60	Tyrone L Hall	\$ 1,500.00	\$ 2,870.99
PA-84-2016	C/Jmstn.	060800-387.12-5-9	Timothy A Truver	\$ 2,000.00	\$ 13,122.97
PA-67-2015	C/Jmstn.	060800-387.14-5-3	Kristie N Zavala	\$ 775.00	\$ 9,755.90
PA-100-2017	C/Jmstn.	060800-387.14-5-23	Nelson Family Construction	\$ 11,500.00	\$ 2,954.33
PA-69-2015	C/Jmstn.	060800-387.14-6-13	Brenda L Strasser	\$ 10.00	\$ 19,446.31
PA-70-2015	C/Jmstn.	060800-387.14-6-16	Brenda L Strasser	\$ 450.00	\$ 7,752.56
PA-106-2017	C/Jmstn.	060800-387.15-2-34	Sigfredo Martinez	\$ 38,000.00	\$ 9,261.61
PA-101-2016	C/Jmstn.	060800-387.15-3-47	Herbert F Brown	\$ 700.00	\$ 2,325.04
PA-108-2017	C/Jmstn.	060800-387.16-10-24	Robert J Matteson	\$ 10.00	\$ 705.26
PA-109-2017	C/Jmstn.	060800-387.16-6-59	Bradley S Fisher	\$ 10.00	\$ 321.69
PA-118-2017	C/Jmstn.	060800-387.25-1-11	Ruben D Montilla	\$ 10.00	\$ 3,764.14
PA-88-2015	C/Jmstn.	060800-387.26-3-4	Kenneth Martinez	\$ 10.00	\$ 627.48
PA-173-2014	C/Jmstn.	060800-387.31-1-3	Roberto Torres Vega	\$ 10.00	\$ 2,786.61
PA-130-2016	C/Jmstn.	060800-387.32-2-10	Mark T Olson	\$ 125.00	\$ 6,817.32
PA-128-2017	C/Jmstn.	060800-387.32-2-46	Donna C Ocoboc	\$ 10.00	\$ 793.25
PA-134-2016	C/Jmstn.	060800-387.34-2-7	Kenneth Martinez	\$ 600.00	\$ 4,607.94
PA-96-2015	C/Jmstn.	060800-387.34-3-3	Daisy Jorge	\$ 10.00	\$ 270.65
PA-129-2017	C/Jmstn.	060800-387.39-2-14	Kenneth Martinez	\$ 1,000.00	\$ 9,160.54
PA-130-2017	C/Jmstn.	060800-387.41-3-32	Duncan E Oleshak	\$ 200.00	\$ 241.04
PA-131-2017	C/Jmstn.	060800-387.41-3-33	Duncan E Oleshak	\$ 200.00	\$ 241.04
PA-132-2017	C/Jmstn.	060800-387.41-3-34	Duncan E Oleshak	\$ 7,000.00	\$ 4,150.94
PA-133-2017	C/Jmstn.	060800-387.41-3-35	Duncan E Oleshak	\$ 12,600.00	\$ 11,871.86
PA-138-2017	C/Jmstn.	060800-388.05-1-18	Thomas C Flagella	\$ 50.40	\$ 257.46
PA-139-2017	C/Jmstn.	060800-388.05-1-22	Thomas C Flagella	\$ 64.80	\$ 281.78
PA-140-2017	C/Jmstn.	060800-388.05-1-23	Thomas C Flagella	\$ 64.80	\$ 281.78
PA-141-2017	C/Jmstn.	060800-388.05-1-37	Thomas C Flagella	\$ 5.00	\$ 281.78
PA-142-2017	C/Jmstn.	060800-388.05-1-38	Thomas C Flagella	\$ 5.00	\$ 281.78
PA-144-2017	C/Jmstn.	060800-404.08-5-21	Duncan E Oleshak	\$ 29,000.00	\$ 8,615.73
PA-148-2017	Arkwright	062000-182.00-2-74	Linda C Hegner	\$ 6,500.00	\$ 2,982.04
PA-149-2017	V/Lkwd.	062201-368.20-2-22	Cheryl Grey	\$ 9,350.00	\$ 3,746.76

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PA-150-2017	V/Lkwd.	062201-368.20-2-23	Cheryl L Grey	\$ 1,650.00	\$ 983.22
PA-115-2015	V/Lkwd.	062201-385.07-3-9.2	Donald & Wendy Whittington	\$ 10.00	\$ 750.11
PA-152-2017	V/Lkwd.	062201-385.07-3-33	Stephen D Reed	\$ 9,870.00	\$ 11,221.61
PA-153-2017	V/Lkwd.	062201-385.07-3-34	RRI Properties LLC	\$ 630.00	\$ 650.01
PA-158-2017	Busti	062289-401.00-2-24	Cheryl L Grey	\$ 17,000.00	\$ 7,124.73
PA-159-2017	Busti	062289-404.01-1-27	David A Pasco	\$ 10.00	\$ 542.54
PA-161-2017	Carroll	062400-423.06-2-72	Dustin Griffin	\$ 20,000.00	\$ 10,110.37
PA-162-2017	Carroll	062400-423.09-2-27	Brenda L Stresser	\$ 13,950.00	\$ 13,922.61
PA-163-2017	Carroll	062400-423.09-2-28	Brenda L Stresser	\$ 1,050.00	\$ 1,268.35
PA-165-2017	Charlotte	062689-199.00-2-13	Michelle M Jungquist	\$ 8,000.00	\$ 1,581.17
PA-166-2017	Charlotte	062689-217.00-1-55	Jason M Genovese	\$ 2,300.00	\$ 676.89
PA-169-2017	V/Mayv.	062801-262.11-1-25	Kenneth M Roberts Jr.	\$ 30,000.00	\$ 4,182.79
PA-171-2017	V/Mayv.	062801-262.15-3-21	Howard R Frost	\$ 17,500.00	\$ 4,457.64
PA-177-2017	Chautauqua	062889-278.17-1-12	Thomas M Walsh	\$ 175.00	\$ 317.16
PA-178-2017	Chautauqua	062889-297.15-2-13	SRM Real Estate Holdings LLC	\$190,000.00	\$ 29,078.06
PA-183-2017	V/Chry. Crk.	063001-237.11-2-8	Eli C Miller	\$ 4,500.00	\$ 9,640.57
PA-184-2017	V/Chry. Crk.	063001-237.12-1-35	Eli C Miller	\$ 1,600.00	\$ 4,155.90
PA-185-2017	V/Chry. Crk.	063001-237.12-1-36	Larico R Jones	\$ 3,200.00	\$ 7,021.09
PA-187-2017	Clymer	063200-414.00-1-21	Cody W Ryan	\$ 7,000.00	\$ 4,858.42
PA-202-2016	Dunkirk	063400-96.04-1-44.1	Bradley A Mason	\$ 10.00	\$ 310.76
PA-193-2017	V/Celrn.	063801-369.15-2-58	David L Munsee	\$ 18,000.00	\$ 3,312.66
PA-194-2017	V/Celrn.	063801-369.15-3-32	Holiday Marina LLC	\$ 60.00	\$ 272.20
PA-195-2017	V/Celrn.	063801-369.19-1-53	Shawn E Hill	\$ 11,000.00	\$ 3,759.85
PA-199-2017	Ellicott	063889-337.00-1-20	Michelle M Jungquist	\$ 16,000.00	\$ 4,105.25
PA-202-2017	Ellicott	063889-369.10-3-10	Charles Pringle	\$ 10.00	\$ 338.60
PA-214-2017	Ellicott	063889-386.16-2-18	Roger A Volk	\$ 1,000.00	\$ 389.18
PA-215-2017	Ellicott	063889-386.16-2-19	Roger A Volk	\$ 1,000.00	\$ 389.18
PA-216-2017	Ellicott	063889-386.16-2-20	Roger A Volk	\$ 1,000.00	\$ 389.18
PA-218-2017	Ellington	064000-272.04-1-20	James W Taylor	\$ 10,000.00	\$ 4,865.60
PA-219-2017	Ellington	064000-288.00-1-33	Peter A Zakriski	\$ 12,000.00	\$ 38,856.12
PA-222-2017	Ellington	064000-304.00-2-15.5	Frank Benedetto	\$ 49,000.00	\$ 11,816.13
PA-226-2017	French Creek	064200-409.00-1-16	David S Mccray	\$ 20,000.00	\$ 5,160.50
PA-232-2017	Gerry	064489-320.00-2-6	David Alan Snyder	\$ 160.00	\$ 365.23
PA-234-2017	V/Slvr. Crk.	064603-32.14-3-21	Utah B Tweedie	\$ 25,000.00	\$ 14,594.31
PA-236-2017	V/Slvr. Crk.	064603-32.18-6-35	Tyrone L Hall	\$ 4,000.00	\$ 20,624.34
PA-325-2017	V/Slvr. Crk.	064603-32.18-7-20	Anthony J Almeida	\$ 3,000.00	\$105,514.90
PA-242-2017	Hanover	064689-16.18-3-12	KC Outdoors LLC	\$ 25,000.00	\$ 11,198.86

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PA-248-2017	V/Panama	064801-398.08-2-8	Karen Elaine Johnson	\$ 10,000.00	\$ 2,803.68
PA-249-2017	Harmony	064889-399.00-2-37	Johanna Colon	\$ 1,100.00	\$ 2,492.11
PA-251-2017	Harmony	064889-433.00-1-55.1	David L Munsee	\$ 2,600.00	\$ 1,178.78
PA-252-2017	Kiantone	065000-404.16-2-37	Aaron W Johnson	\$ 10.00	\$ 203.22
PA-257-2017	N. Harmony	065400-349.00-2-41	Michelle M Jungquist	\$ 47,500.00	\$ 12,134.86
PA-258-2017	N. Harmony	065400-366.00-1-8	Richard Karl Robinson	\$ 8,900.00	\$ 649.70
PA-259-2017	Poland	065600-339.19-1-23	Kathy L Beaver	\$ 10,000.00	\$ 2,539.12
PA-261-2017	Poland	065600-355.00-1-78	Thomas R Truax	\$ 5,400.00	\$ 1,110.65
PA-265-2017	V/Fred.	065801-130.02-2-17	Andre A Persaud	\$ 200.00	\$ 500.03
PA-266-2017	V/Fred.	065801-130.02-2-19	Kenneth Myers II	\$ 240.00	\$ 1,282.36
PA-209-2015	Pomfret	065889-111.08-3-15.1	Russell W Balles	\$ 20.00	\$ 243.55
PA-267-2017	Pomfret	065889-164.00-3-3	Cynthia K Wolfe	\$ 17,000.00	\$ 5,866.04
PA-273-2017	V/Brct.	066001-162.05-1-11	Jose A Gonzalez	\$ 20,000.00	\$ 17,104.64
PA-274-2017	C/Brct.	066001-162.09-1-29	Harold H Smith	\$ 50.00	\$ 5,104.96
PA-282-2016	Portland	066089-161.10-2-20	Dennis C Campbell	\$ 10.00	\$ 274.01
PA-279-2017	Portland	066089-179.00-1-53	Hial R Vanarsdale	\$ 13,000.00	\$ 4,070.21
PA-280-2017	Ripley	066200-208.10-3-17	Thomas L Scriven	\$ 160.00	\$ 330.42
PA-281-2017	Ripley	066200-208.10-3-56	Kenneth Myers II	\$ 10.00	\$ 314.19
PA-284-2017	Ripley	066200-240.00-2-12	Arborview Business Park Inc	\$ 3,250.00	\$ 5,023.74
PA-285-2017	Ripley	066200-240.00-2-8	Arborview Business Park Inc	\$ 5,000.00	\$ 3,423.65
PA-286-2017	Ripley	066200-240.11-1-20	William T Mc Graw Jr	\$ 6,000.00	\$ 7,279.25
PA-287-2017	Ripley	066200-240.12-3-10	Stephen G Nowicki	\$ 600.00	\$ 4,088.98
PA-289-2016	Ripley	066200-240.16-2-6	Ronald Ray Belson	\$ 800.00	\$ 6,595.43
PA-288-2017	Ripley	066200-240.16-3-22	Julie L Fortner	\$ 700.00	\$ 6,551.37
PA-289-2017	Ripley	066200-241.13-1-1	Martin P Rowe	\$ 3,000.00	\$12,828.21
PA-293-2017	Sheridan	066400-97.15-1-6	Costantino Vecchio Jr	\$ 28,710.00	\$27,992.50
PA-294-2017	Sheridan	066400-97.15-1-7	Costantino Vecchio Jr	\$ 290.00	\$ 393.36
PA-296-2017	V/Sherman	066601-328.07-2-39	John William Swabik	\$ 5,000.00	\$ 6,481.25
PA-301-2017	Stockton	066889-214.08-1-4	Linda C Hegner	\$ 360.00	\$ 577.95
PA-302-2017	Stockton	066889-214.08-1-5	Linda C Hegner	\$ 3,640.00	\$ 4,363.06
PA-303-2017	Stockton	066889-214.08-1-63	Charles A Brown	\$ 10,500.00	\$ 6,019.58
PA-304-2017	Stockton	066889-215.00-3-60	Kirk Robert Tyler	\$ 397.00	\$ 781.55
PA-305-2017	Stockton	066889-215.00-3-61	Kirk Robert Tyler	\$ 253.00	\$ 556.91
PA-312-2016	Villanova	067000-168.20-1-21	Steven E Lindsey	\$ 200.00	\$ 1,403.66
PA-319-2017	Westfield	067289-208.10-4-58	Russell W Balles	\$ 113.00	\$ 601.64
PA-320-2017	Westfield	067289-208.10-4-59	Russell W Balles	\$ 112.00	\$ 601.64

REGULAR SESSIONS

PA-322-2017	Westfield	067289-293.00-2-4	David L Munsee	\$ 32,000.00	\$ 6,897.64
QC-13-2017	C/Dnk.	060300-79.15-3-66	ALI RAZAK	\$ 5,789.57	\$ 5,789.57
QC-18-2017	C/Dnk.	060300-79.16-2-65	KEVIN KILLION	\$ 6,222.68	\$ 6,222.68
QC-19-2017	C/Dnk.	060300-79.18-1-42	HENRY HOISINGTON	\$ 7,487.30	\$ 7,487.30
QC-20-2017	C/Dnk.	060300-79.18-3-29	BRIAN DRAVES	\$ 5,901.51	\$ 5,901.51
QC-23-2017	C/Dnk.	060300-79.19-2-19	ALI RAZAK	\$ 9,182.53	\$ 9,182.53
QC-26-2016	C/Dnk.	060300-79.20-5-2	DEBRA A/ MANCUSO	\$ 1.00	\$ 527.23
QC-26-2017	C/Dnk.	060300-79.19-5-55	CHRISTIE MIGA	\$ 577.29	\$ 526.71
QC-30-2017	C/Dnk.	060300-79.20-1-24	NS162, LLC	\$ 477.64	\$ 477.64
QC-31-2017	C/Dnk.	060300-79.20-1-25	NS162, LLC	\$ 432.40	\$ 432.40
QC-32-2017	C/Dnk.	060300-79.20-1-26	NS162, LLC	\$ 3,633.43	\$ 3,633.43
QC-37-2017	C/Dnk.	060300-96.07-2-2	CHRISTIE MIGA	\$ 3,521.70	\$ 3,105.79
QC-39-2017	C/Dnk.	060300-96.07-2-60	CHRISTIE MIGA	\$ 161.22	\$ 160.08
QC-40-2017	C/Jmstn.	060800-370.15-5-10	ROBERT BAIRD	\$ 4,554.27	\$ 4,554.27
QC-41-2017	C/Jmstn.	060800-370.16-1-23	CHARLES R JAMBLITER	\$ 7,967.51	\$ 7,967.51
QC-44-2017	C/Jmstn.	060800-370.18-3-7	JOHNATHAN S MEASE	\$ 3,680.35	\$ 3,680.35
QC-50-2017	C/Jmstn.	060800-370.19-4-36	MAHENDRA BASDEO	\$ 8,826.76	\$ 8,826.76
QC-52-2017	C/Jmstn.	060800-370.19-5-34	HECTOR I RODRIGUEZ DEJESUS	\$ 9,003.77	\$ 9,003.77
QC-56-2017	C/Jmstn.	060800-370.20-2-48	TEAH SPENCE	\$ 216.26	\$ 216.26
QC-66-2017	C/Jmstn.	060800-371.13-4-29	ALLEN ST DEVELOPMENT LLC	\$ 58,407.39	\$ 58,407.39
QC-67-2017	C/Jmstn.	060800-371.17-1-32	BENJAMIN BYLER	\$ 9,443.53	\$ 9,943.53
QC-68-2017	C/Jmstn.	060800-371.17-1-37.2	BENJAMIN BYLER	\$ 1,234.02	\$ 1,234.02
QC-70-2017	C/Jmstn.	060800-386.12-7-12	SCOTT T NEDREBERG	\$ 7,245.45	\$ 7,245.45
QC-71-2017	C/Jmstn.	060800-387.05-5-37	SCOTT TRAVIS	\$ 4,952.60	\$ 4,952.60
QC-88-2017	C/Jmstn.	060800-387.12-1-54	ANTHONY CHARLES	\$ 4,337.02	\$ 4,337.02
QC-104-2017	C/Jmstn.	060800-387.15-11-27	ASHLEY N GREGORY	\$ 8,377.81	\$ 8,377.81
QC-105-2017	C/Jmstn.	060800-387.15-12-25	NANCY MOYNIHAN	\$ 3,918.87	\$ 3,918.37
QC-110-2017	C/Jmstn.	060800-387.17-1-62	GABRIEL FEHER	\$ 353.35	\$ 353.35
QC-111-2017	C/Jmstn.	060800-387.17-1-63	GABRIEL FEHER	\$ 14,836.50	\$ 14,836.50
QC-113-2017	C/Jmstn.	060800-387.18-5-19	MARIA M ANAYA MORALES	\$ 5,633.59	\$ 5,633.59
QC-114-2017	C/Jmstn.	060800-387.18-5-79	ROBERT SHERBINE	\$ 4,114.03	\$ 4,114.03
QC-119-2017	C/Jmstn.	060800-387.25-2-34	AURELIAN ANDREW	\$ 8,006.73	\$ 8,006.73
QC-146-2017	Arkwright	062000-166.00-1-18.2	EUGENE NORTON	\$ 5,673.71	\$ 5,673.71
QC-147-2017	Arkwright	062000-166.00-1-20.2	EUGENE NORTON	\$ 1,747.53	\$ 1,747.53
QC-154-2017	Busti	062289-384.08-3-14	LEE RJ FISCHER	\$ 4,017.94	\$ 4,017.94
*QC-156-2017	Busti	062289-385.05-5-8	LEE R J FISCHER	\$ 7,152.09	\$ 7,151.18
*QC-156-2017	Busti	062289-385.05-5-8	TOWN OF BUSTI	\$ 7,152.09	\$ 7,151.18

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QC-160-2017	Busti	062289-404.01-2-52	ESTATE OF ANNA M MASON	\$ 10,355.12	\$ 10,355.12
QC-164-2017	Carroll	062400-423.10-1-50	KRIS E OLSON	\$ 2,825.12	\$ 2,801.22
QC-170-2017	V/Mayv.	062801-262.12-1-44	DIANE L SEATON	\$ 7,727.49	\$ 7,656.22
QC-172-2017	Chautauqua	062889-228.00-2-3	BRENDA MASON	\$ 1,650.52	\$ 1,650.52
QC-173-2017	Chautauqua	062889-228.00-2-5	BRENDA MASON	\$ 8,485.02	\$ 8,485.02
QC-179-2017	V/Chry. Crk.	063001-237.08-1-15	MARION D ROBINSON	\$ 3,604.08	\$ 3,603.65
QC-180-2017	V/Chry. Crk.	063001-237.11-1-42	STEVEN SMITH	\$ 897.69	\$ 897.69
QC-181-2017	V/Chry. Crk.	063001-237.11-1-43	STEVEN SMITH	\$ 17,014.20	\$ 17,014.20
QC-197-2017	V/Falcr.	063803-371.10-4-34	GQUIST LLC	\$ 19,218.28	\$ 19,218.28
QC-198-2017	V/Falcr.	063803-371.11-3-33	JAMESTOWN IRON WORKS INC	\$ 8,511.75	\$ 8,511.75
QC-212-2016	Ellicott	063889-371.12-2-66	STEVEN L CYBART	\$ 3,000.00	\$ 1,125.82
QC-204-2017	Ellicott	063889-371.15-1-58	JAMESTOWN IRON WORKS INC	\$ 31,515.28	\$ 31,515.28
QC-220-2017	Ellington	064000-288.14-1-3.1	AFFINITY ONE FCU	\$ 15,153.54	\$ 12,699.67
QC-221-2017	Ellington	064000-288.19-1-16	JOSHUA HATTAWAY	\$ 12,506.81	\$ 12,506.81
QC-223-2017	Ellington	064000-306.00-1-21	JEREMY M BAKER	\$ 2,109.51	\$ 2,109.51
QC-224-2017	French Creek	064200-376.00-1-12	JEFFREY S MUNSON	\$ 452.24	\$ 452.17
QC-225-2017	French Creek	064200-393.00-1-25	SC & D HOLDING CO. LLC	\$ 17,490.66	\$ 17,490.66
QC-240-2017	V/Slvr. Crk.	064603-49.06-4-15	WESLEY SCHUNK	\$ 9,902.50	\$ 9,902.50
QC-256-2017	Mina	065200-343.14-1-5	US BANK TRUST NA	\$ 5,957.05	\$ 5,957.05
QC-271-2017	V/Brct.	066001-145.18-1-6	ESTATE OF DORIS R WOLFE	\$ 2,489.38	\$ 2,489.38
QC-272-2017	V/Brct.	066001-145.18-1-7	ESTATE OF DORIS R WOLFE	\$ 620.79	\$ 620.79
QC-276-2017	Portland	066089-161.10-1-37	CARL T JEFFERSON	\$ 16,801.67	\$ 16,801.67
QC-277-2017	Portland	066089-161.10-1-48	MICHAEL L RIZZO	\$ 14,907.86	\$ 14,907.86
QC-282-2017	Ripley	066200-223.00-1-49	GEORGE DOHLER II	\$ 2,532.88	\$ 2,532.88
QC-283-2017	Ripley	066200-240.00-1-24	GEORGE DOHLER II	\$ 9,510.66	\$ 9,510.66
QC-290-2017	Sheridan	066400-47.17-1-6	LISA JAECKLE	\$ 9,313.46	\$ 9,313.46
QC-297-2017	V/Cassdga.	066801-181.20-2-14	JOSHUA HATTAWAY	\$ 5,834.01	\$ 5,834.01
QC-298-2017	V/Cassdga.	066801-181.20-2-15	JOSHUA HATTAWAY	\$ 211.10	\$ 211.10
QC-299-2017	Stockton	066889-196.00-3-13.2	JASON EVANS	\$ 24,603.40	\$ 24,603.40
QC-312-2017	V/Wstfd.	067201-193.17-2-37	SARA JOHNSON	\$ 8,083.52	\$ 8,083.52
QC-313-2017	V/Wstfd.	067201-209.08-1-28	CHAUT. COUNTY LAND BANK	\$ 7,040.09	\$ 7,040.09
QC-314-2017	V/Wstfd.	067201-210.05-1-62	NS163, LLC	\$ 9,964.48	\$ 9,964.48
QC-317-2017	Westfield	067289-192.06-1-62	ESTATE OF EVERETT C RUCH	\$ 9,942.99	\$ 9,942.99
QC-318-2017	Westfield	067289-193.00-1-23	MARTIN R WILDER	\$ 11,536.49	\$ 11,536.49
				\$ 1,686,678.99	\$ 1,516,123.67

* and Bold -2 offers

Signed: Scudder, Vanstrom, Whitford, Starks, Chagnon, Nazzaro, Muldowney, Gould (Amended in AS to strike QC156-2017-Fischer)

REGULAR SESSIONS

MOVED by Legislator Scudder, SECONDED by Legislator Niebel to strike QC 156-2017 – Town of Busti and Reinststate Lee R. J. Fischer QC 156-2017 – *Unanimously Carried*

Unanimously Adopted as amended– R/C Vote: 17 Yes; 2 Absent – July 26, 2017

LOCAL LAW
INTRODUCTORY NO. 7-17
CHAUTAUQUA COUNTY

A Local Law of the County Legislature of the County of Chautauqua Repealing the Wireless Communications Surcharge Authorize by Article Six of the County Law of the State of New York; and Imposing the Wireless Communications Surcharges Pursuant to the Authority of Tax Law § 186-g.

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

SECTION 1. Local Law 9-03 of 2003, entitled “A Local Law Establishing a Wireless Communications Service Surcharge in Chautauqua County,” is hereby REPEALED.

SECTION 2. Imposition of wireless communications surcharges. (a) Pursuant to the authority of Tax Law § 186-g, there are hereby imposed and there shall be paid surcharges within the territorial limits of the County of Chautauqua on: (i) wireless communications service provided to a wireless communications customer with a place of primary use within such County, at the rate of thirty cents per month on each wireless communications device in service during any part of the month; and (ii) the retail sale of prepaid wireless communications service sold within such County, at the rate of thirty cents per retail sale, whether or not any tangible personal property is sold therewith.

(b) Wireless communications service suppliers shall begin to add such surcharge to the billings of its customers and prepaid wireless communications sellers shall begin to collect such surcharge from its customers commencing December 1, 2017.

(c) Each wireless communications service supplier and prepaid wireless communications seller is entitled to retain, as an administrative fee, an amount equal to three percent of its collections of the surcharges imposed by this Local Law, provided that the supplier or seller files any required return and remits the surcharges due to the New York State Commissioner of Taxation and Finance on or before its due date.

SECTION 3. Administration of surcharges. The surcharges imposed by this Local Law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in paragraph (8) of Tax Law § 186-g, and in a like manner as the taxes imposed by Articles Twenty-eight and Twenty-nine of the Tax Law.

SECTION 4. Applicability of State law to surcharges imposed by this Local Law. All the provisions of Tax Law § 186-g shall apply to the surcharges imposed by this Local Law with the same force and effect as if those provisions had been set forth in full in this Local Law, except to the extent that any of those provisions is either inconsistent with or not relevant to the surcharges imposed by this Local Law.

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SECTION 5. Net collections received by this County from the surcharges imposed by this Local Law shall be expended only upon authorization of the County Legislature of the County of Chautauqua and only for payment of system costs, eligible wireless 911 service costs, or other costs associated with the administration, design, installation, construction, operation, or maintenance of public safety communications networks or a system to provide enhanced wireless 911 service serving such County, as provided in paragraph (9) of Tax Law § 186-g, including, but not limited to, hardware, software, consultants, financing and other acquisition costs. The County shall separately account for and keep adequate books and records of the amount and object or purpose of all expenditures of all such monies. If, at the end of any fiscal year, the total amount of all such monies exceeds the amount necessary for payment of the above mentioned costs in such fiscal year, such excess shall be reserved and carried over for the payment of those costs in the following fiscal year.

SECTION 6. Effective date. This Local Law shall take effect December 1, 2017.

Emailed to Legislature: 7/13/17

Adopted by Legislature: 7/26/17

Public Hearing by County Executive: 8/14/17

Adopted as LL 8-17

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 8/18/17

2nd Privilege of the Floor

Lee Fischer, 2253 4th Avenue, Lakewood, N.Y.: I would like to thank the Legislature for reconsidering about the land. If there is anything that I can do for any of you ever, just let me know and I'll do the best I can to make it right with you guys. It will help my retirement a lot. Thank you from the bottom of my heart.

Chairman Himelein: Any other comments?

Legislator Gould: I make a motion to adjourn.

Legislator Bankoski: Second.

Unanimously Carried (9:10 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, August 23, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present.

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, the minutes were approved. (7/26/17)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 7/26/17

PRESENTATION:

SHARED SERVICES PLAN
by
COUNTY EXECUTIVE HORRIGAN

(Presentation can be seen at the following link)

<http://www.co.chautauqua.ny.us/DocumentCenter/View/5586>

COMMUNICATIONS:

1. Letter – Legstr. Mark Tarbrake – Resignation – Effective 9/1/17
2. Motion – N. Chaut. County Water District – Approval of Map & Plan Amendment #1
3. Investment Report – Fn. Director Crow – June/2017
4. Letter – NYS Dept. of State – Ack. Receipt of LL 7-17 filed 7/21/17
5. NYS Dept. of Taxation & Finance - Certified Equalization Rates (5)
6. County-Wide Shared Service Property Tax Savings Plan
7. Final Document – N. Chaut. County Water District Map & Plan Amendment #1
8. Legislature Ack. Receipt of Financial Disclosure Statements for 2017
9. Letter – Coroner Jackson – Resignation Effective 8/22/17

RES. NO. 202-17

Close Capital Projects for North Chautauqua Lake Sewer District & Portland-Pomfret-Dunkirk Sewer Districts

By Public Facilities & Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the 2017 capital budget includes capital project number ESN.8130.28911 for the purchase of a trailer-mounted generator for the North Chautauqua Lake Sewer District; and

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WHEREAS, said generator was purchased in 2016 and expensed as equipment, so the capital project is no longer needed; and

WHEREAS, the 2017 capital budget includes capital project number ESP.8130.30899 for the rehabilitation of a pump station for the Portland-Pomfret-Dunkirk Sewer District; and

WHEREAS, said rehabilitation was completed in 2015 and expensed as equipment, so the capital project is no longer needed; now therefore be it

RESOLVED, That the Director of Finance close capital accounts ESN.8130.28911 and ESP.8130.30899 for any expenditures, and reconcile, post adjustments, and begin capitalization as necessary; and be it further

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

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

Unanimously Adopted – August 23, 2017

RES. NO. 203-17

Authorize Agreement with NY State DOT for Performance of Federal-Aid Project PIN 5762.26, Dale Drive Shoulder Expansion

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

WHEREAS, the Dale Drive Shoulder Expansion, Transportation Alternative Program project, PIN 5762.26 (the "Project"), will improve pedestrian and bicycle travel along County Road 48 (Dale Drive) in the Village of Cassadaga, Chautauqua County; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-IV) phase of the Project PIN 5762.26; and

WHEREAS, the Preliminary Engineering (Design I-IV) phase of the Project PIN 5762.26 is estimated to be \$130,000; therefore be it

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

RESOLVED, That the Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of cost of the Preliminary Engineering (Design I-IV) Phase of the Project or portions thereof; and it is further

REGULAR SESSIONS

RESOLVED, That the sum of \$130,000 is hereby appropriated from capital project H.1440.25996 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering and Right of Way Incidentals phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

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

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

RESOLVED, This resolution shall take effect immediately; and it is further

RESOLVED, That A Fund Balance is appropriated at follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----878.0000	Fund Bal., Reserved Fund Bal.—Reserve for Capital	\$ 26,000
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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 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$ 26,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1440.25996.4	Contractual—Dale Dr Shoulder Wide (2017)	\$130,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.1440.25996.R503.1000	Interfund Transfer – Interfund Transfer	\$ 26,000
H.1440.25996.R459.7000	Federal Aid—Transp Capital	<u>\$104,000</u>
	Total	<u>\$130,000</u>

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

Unanimously Adopted – August 23, 2017

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RES. NO. 204-17

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5759.86

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

WHEREAS, a Project for the repair of County Bridge 894, BIN 3324630, on County Route 4 in the Town of French Creek, 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 \$409,000, to be borne at the ratio of 80% Federal funds, at a maximum of 15% State Marchiselli and at a minimum 5% County 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 Project PIN 5759.86; and

WHEREAS; the local share is calculated to be \$40,550; 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 Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal costs of the Project 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 THE USE OF FUND BALANCE:

D,-----915.0000 Assigned Fund Bal. – Assigned /Unappropriated Fund Bal. \$ 40,550

; and be it further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the 2017 Budget:

REGULAR SESSIONS

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$409,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid – Surface Transp Program	\$327,200
D.5112.390.R358.9003	NY State Aid--Marchiselli Funds	<u>\$ 41,250</u>
	Total	\$368,450

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

Unanimously Adopted – August 23, 2017

RES. NO. 205-17
Adjust D5112 Capital Improvement Account

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

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and contributes to economic development, job creation and quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,738,198 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2017-2018 CHIPS appropriations for Chautauqua County to \$3,737,359.07; and

WHEREAS, the Chautauqua County capital budget includes \$850,000 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2017-2018 PAVE-NY appropriations for Chautauqua County to \$853,089.40; and

WHEREAS, New York State has recognized the need for additional funds due to extreme weather and has appropriated additional fund under the EWR program in the amount of \$547,296.36; and

WHEREAS, the budget should be amended to reflect these adjustments to funding; now therefore be it

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

JOURNAL OF PROCEEDINGS

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Highway Improvements	\$549,546
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.PAVE	NYS Aid – NYS and PAVE NY	\$3,089
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DECREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.1000	NYS Aid – NYS and CHIPS	\$ 839
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.EWR	NYS Aid – Extreme Weather Recovery	\$547,296
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Signed: Hemmer, Scudder, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted – August 23, 2017

RES. NO. 206-17

Acceptance of Funds for the Airport Pavement Management Study Project

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County submitted to the FAA a Project Application and received a grant from the Federal Aviation Administration (FAA) to pay 95% of the allowable costs incurred in accomplishing the following project at Chautauqua County/Jamestown Airport: Airport Pavement Management Study FAA AIP Project No. 3-36-0048-047-2017 (Project); and

WHEREAS, the FAA has approved a project for Chautauqua County/Jamestown Airport (herein called the "Project") consisting of the Airport Pavement Management Study, which is more fully described in the Project agreement, for the Airport Pavement Management Study FAA AIP Project No. 3-36-0048-047-2017; 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 the eligible costs; and

WHEREAS, pursuant to Resolution 134-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYS grant funds for the Airport Pavement Management Study under the Airport Improvement Program (AIP) and funding shares for the Project are as follows;

Federal	\$ 200,000
State	\$ 5,263
Local	<u>\$ 5,264</u>
Total Project Costs	\$ 210,527

; 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

REGULAR SESSIONS

RESOLVED, That Chautauqua County enter into agreement with the Federal Aviation Administration and the State of New York for financial assistance for the project described above at the 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 the FAA and NYSDOT in connection with this project, and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; 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 Balance—Reserve for Capital	\$ 5,264
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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 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers—Transfer to Capital	\$ 5,264
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25997.4	Contractual— Pavement Study JHW (2017)	\$ 210,527
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25997.R503.1000	Interfund Transfer – Interfund Transfer	\$ 5,264
H.5610.25997.R359.7001	NYS Aid – Airport Capital Grants	\$ 5,263
H.5610.25997.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$ 200,000</u>
	Total	\$ 210,527

Signed: Chagnon, Nazzaro, Muldowney, Borrello

Adopted w/ Scudder voting “no” - August 23, 2017

RES. NO. 207-17

Acceptance of FAA and NYSDOT Funds for the Rehabilitate Taxiway B South (Construction) at the Chautauqua County/Dunkirk Airport

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (“FAA”) a project application and received a grant from the FAA to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Rehabilitate Taxiway B South (Construction) FAA AIP Project No. 3-36-0022-055-2017 (“Project”); and

WHEREAS, the FAA has approved the Project for Chautauqua County/Dunkirk Airport consisting of the Rehabilitate Taxiway B South (Construction), which is more fully described in the Project agreement; and

JOURNAL OF PROCEEDINGS

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

WHEREAS, pursuant to Resolution 133-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Rehabilitate Taxiway B South (Construction) under the Airport Improvement Program ("AIP"), and funding shares for the Project are as follows:

Federal	\$ 1,254,175
State	\$ 69,676
Local	<u>\$ 69,677</u>
Total Project Costs	\$ 1,393,528

; 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 FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/ Dunkirk Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; 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 Balance—Reserve for Capital	\$ 69,677
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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 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$ 69,677
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25817.4	Contractual— Rehab Taxiway B South-Dunk (2017)	\$ 1,393,528
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25817.R503.1000	Interfund Transfer – Interfund Transfer	\$ 69,677
H.5610.25817.R359.7001	NYS Aid – Airport Capital Grants	\$ 69,676
H.5610.25817.R459.2000	Federal Aid – Airport Federal Capital Grants	<u>\$ 1,254,175</u>
	Total	\$ 1,393,528

REGULAR SESSIONS

Signed: Hemmer, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Borrello (P.F. Scudder voting "no")

Adopted w/ Scudder voting "no" - August 23, 2017

RES. NO. 208-17

Acceptance of FAA and NYSDOT Funds for the Rehabilitate Taxiway Foxtrot and Apron
(Construction) at the Chautauqua County/Jamestown Airport

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

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration ("FAA") a project application and received a grant from the FAA to pay 95% of the allowable costs incurred in accomplishing the following project at Chautauqua County/Jamestown Airport: Rehabilitate Taxiway Foxtrot and Apron (Construction) FAA AIP Project No. 3-36-0048-043-2017 ("Project"); and

WHEREAS, the FAA has approved the Project for Chautauqua County/Jamestown Airport consisting of the Rehabilitate Taxiway Foxtrot and Apron (Construction), which is more fully described in the Project agreement; and

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

WHEREAS, pursuant to Resolution 134-16, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Rehabilitate Taxiway Foxtrot and Apron (Construction) under the Airport Improvement Program ("AIP"), and funding shares for the Project are as follows:

Federal	\$ 991,036
State	\$ 26,080
Local	\$ 26,080
Total Project Costs	\$1,043,196

; 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 agreement with the FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/Jamestown Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project, and be it further

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

RESOLVED, That A Fund Balance is appropriated as follows:

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INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$ 26,080
; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Transfer to Capital \$ 26,080

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25813.4 Contractual— Rehab Taxiway F – Jmst (2015) \$ 1,043,196

INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25813.R503.1000 Interfund Transfer – Interfund Transfer	\$ 26,080
H.5610.25813.R359.7001 NYS Aid – Airport Capital Grants	\$ 26,080
H.5610.25813.R459.2000 Federal Aid – Airport Federal Capital Grant	<u>\$ 991,036</u>
Total	\$ 1,043,196

Signed: Hemmer, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Borrello (P.F. Scudder voting “no”)

Adopted w/ Scudder voting “no” - August 23, 2017

RES. NO. 209-17
Amend Resolution 187-17

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

WHEREAS, the Project for Bridge Painting of BINS 3323710, 3326140, 3325590, 2212730, 3324630, and 3324270 in the Towns of Carroll, Charlotte, Ellery, French Creek, Pomfret and Sherman (the Project), PIN 5762, is eligible for funding under Title 23 U.S. Code, as amended; and

WHEREAS, the Chautauqua County Legislature approved this Project and approved Project funding in the amount of \$420,000 to be borne at the ratio of 80% Federal funds (\$336,000), 15% State Marchiselli funds (\$63,000) and 5% County funds (\$21,000), via Resolution 187-17; and

WHEREAS, the total cost of the Project is now estimated to be \$445,000; and

WHEREAS, an additional \$20,000 of Federal funds is available, so that the new estimated cost allocation is \$356,000 Federal funds, \$63,000 State Marchiselli funds, and \$26,000 County funds; and

WHEREAS, the increased Project costs were approved by NYSDOT after Project bids were opened; and

WHEREAS, the local share increase of \$5000 can be covered with existing funding in account D.5112.390, and the \$20,000 Federal share increase must be accounted for in the Budget; now therefore be it

REGULAR SESSIONS

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

RESOLVED, That the sixth Resolved clause of Resolution 187-17 be amended to authorize and direct the Director of Finance to make the following *additional* changes to the 2017 budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements, County Bridge Program	\$20,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid – Surface Transp Program	\$20,000
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; and it is further

RESOLVED, That the remaining Resolved clauses in Resolution 187-17 be reaffirmed; and be it further

RESOLVED, That a certified copy of this Resolution Amendment 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 Amendment shall take effect immediately.

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

Unanimously Adopted - August 23, 2017

RES. NO. 210-17

Authorizing Contract for 2018 Administration of Chautauqua County Self-Insurance Plan (Workers' Compensation)

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 is 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 2018; and be it further

RESOLVED, That the consideration for this contract be in the amount of One Hundred Sixty-three Thousand Eight Hundred Twenty-nine and No/100 Dollars (\$163,829.00) for the year 2018, which includes personnel services and office expenses; and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

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

Unanimously Adopted - August 23, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 211-17

Authorizing 2018 Levy of Participants' Shares of Chautauqua County Self-Insurance Plan Costs
(Workers' Compensation)

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

RESOLVED, That pursuant to the Workers' Compensation Law and Chautauqua County Local Law No. 4-84, as amended, the following amounts shall be apportioned in 2018 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 assessed to Chautauqua County be levied in the next tax levy; and be it further

RESOLVED, That the Self-Insurance Plan be hereby directed to bill all other participants for the amounts assessed to them for the year 2018.

Towns

Arkwright	\$34,764.84	Harmony	\$57,902.92
Busti	\$51,547.57	Kiantone	\$12,196.04
Carroll	\$22,813.68	Mina	\$30,646.57
Charlotte	\$16,684.37	N Harmony	\$68,539.40
Chautauqua	\$141,492.30	Poland	\$59,004.04
Cherry Creek	\$9,601.67	Pomfret	\$72,547.33
Clymer	\$10,824.70	Portland	\$47,053.08
Dunkirk	\$22,475.58	Ripley	\$19,770.25
Ellery	\$78,889.60	Sheridan	\$74,623.68
Ellicott	\$133,917.56	Sherman	\$9,029.22
Ellington	\$13,559.96	Stockton	\$16,070.30
French Creek	\$17,224.90	Villanova	\$14,778.88
Gerry	\$18,525.49	Westfield	\$36,333.26
Hanover	\$63,299.80		

REGULAR SESSIONS

Villages / Cities

Bemus Point	\$9,978.49	Mayville	\$14,681.31
Brocton	\$17,612.83	Panama	\$2,102.83
Cassadaga	\$5,149.14	Sherman	\$2,549.51
Celoron	\$6,558.20	Silver Creek	\$38,013.96
Cherry Creek	\$1,654.31	Sinclairville	\$2,352.50
Falconer	\$13,583.61	Westfield	\$72,467.05
Forestville	\$3,203.96		
Fredonia	\$204,605.91	Dunkirk (City)	\$279,310.33
Lakewood	\$34,263.61	Jamestown (City)	\$796,300.63
Chautauqua County	\$2,341,494.81		

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

Unanimously Adopted - August 23, 2017

RES. NO. 212-17

Authorize Transfer of Capital Funds Among Capital Accounts and Closing of Capital Accounts

Public Safety 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 were not able to be completed; 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:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.3150.06882.4 Contractual – ADA Compliance - Jail Cells (2012) \$59,050

DECREASE CAPITAL REVENUE ACCOUNT:

H.3150.06882.R503.1000 Interfund Transfer—Interfund Transfer \$59,050

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3150.06963.4 Contractual – Jail--Jail Upgrades 2017 \$28,353

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INCREASE CAPITAL REVENUE ACCOUNT:

H.3150.06963.R503.1000 Interfund Transfer – Interfund Transfer \$28,353

; and be it further

RESOLVED, That the Director of Finance, after making the amendments stated above, close capital account H.3150.06882 for any further expenditures, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of this closed capital account, any surplus or deficit will be adjusted to the appropriate Fund or Reserve for Capital.

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

Unanimously Adopted - August 23, 2017

RES. NO. 213-17

Authorize Acceptance of Funds from the New York State Office of the Aging (NYSOFA) for the National Council on Aging (NCOA) Aging Mastery Program Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horigan:

WHEREAS, the Chautauqua County Office for the Aging was awarded \$5,100 by the New York State Office for the Aging ("NYSOFA") for the National Council on Aging ("NCOA") Aging Mastery Program Grant; and

WHEREAS, these funds shall be utilized to provide a six-week educational program to seniors on how to age well by maximizing health and independence; and

WHEREAS, this funding will cover all costs for licensing and materials purchased from NCOA; and

WHEREAS, such funds are not appropriated in the 2017 Budget; therefore, be it

RESOLVED, That the County of Chautauqua hereby accepts the funding from NYSOFA for the NCOA Aging Mastery Program Grant; and be it further

RESOLVED, That the County Executive is hereby authorized and directed to execute any and all necessary agreements with NYSOFA and NCOA to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the NCOA Aging Mastery 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 changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6772.4 Contractual –Office for the Aging \$5,100

REGULAR SESSIONS

INCREASE REVENUE ACCOUNT:

A.6772.R377.2000 NY State Aid –OFA	\$5,100
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Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 214-17

Authorize Acceptance of Funds from the New York State Office of Aging (NYSOFA) SNAP-Ed Program Grant

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

WHEREAS, the Chautauqua County Office for the Aging was awarded \$108,000 by the New York State Office for the Aging ("NYSOFA") through the SNAP-Ed Program Grant; and

WHEREAS, such funds are to be utilized to provide a dietician-led six week educational program called "Eat Healthy, Be Active"; and

WHEREAS, this funding will cover all costs related to consultant dieticians and course materials; and

WHEREAS, such funds are not appropriated in the 2017 Budget; therefore, be it

RESOLVED, That the County of Chautauqua accepts this funding from NYSOFA through the SNAP-Ed Program Grant; and be it further

RESOLVED, That the County Executive is hereby authorized and directed to execute any and all necessary agreements with NYSOFA to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the SNAP-Ed 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 changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6772.4 Contractual –Office for the Aging	\$108,000
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INCREASE REVENUE ACCOUNT:

A.6772.R377.2000 NY State Aid –OFA	\$108,000
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Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 215-17

Authorize County Executive to Execute the Amended Resource Allocation Plan

JOURNAL OF PROCEEDINGS

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

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services (OCFS) is dispersed through a Resource Allocation Plan (RAP); and

WHEREAS, Resolution No. 120-17 authorized the County Executive to execute the Chautauqua County Youth Board's 2017 RAP reflecting a total allocation of \$152,596; and

WHEREAS, the Chautauqua County Youth Board has been awarded an additional New York State OCFS Youth Development allocation of \$14,950 as well as additional Runaway and Homeless Youth (RHYA) I and RHYA II allocations of \$41,941, which necessitate an amendment to the Chautauqua County Youth Board's 2017 RAP; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations and Budgets for the agencies listed on the program summary; and

WHEREAS, the County RAP shall be deemed executory to the extent of monies made available to OCFS through the State of New York for a Local Assistance program; therefore be it

RESOLVED, That the amended Resource Allocation Plan reflecting an amended total allocation of \$209,487 is approved to be executed by the County Executive; and it is further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the follow adjustments to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.7020.----.4	Contractual – Youth Bureau	\$ 5,500
A.7310.----.4	Contractual – Youth Programs	<u>\$51,391</u>
		\$56,891

INCREASE REVENUE ACCOUNTS:

A.7020.R382.0000	NYS Aid – Youth Bureau	\$ 5,500
A.7310.R382.0000	NYS Aid – Youth Programs	<u>\$51,391</u>
		\$56,891

Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 216-17
Amend 2017 Budget for Medicaid Care at Home Program Activity

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

REGULAR SESSIONS

WHEREAS, the Care at Home Program is a Medicaid Model Waiver Program designed to assist families caring for a child at home who may have a severe disability or medical condition; and

WHEREAS, the Chautauqua County Department of Health and Human Services has two clients whose homes are being remodeled under the Care at Home Program during 2017; and

WHEREAS, the cost of the remodels and the 100% Federal Medicaid funding related to the remodels were not included in the 2017 Budget; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6101.----.4	Contractual-Medical Assistance	\$40,000
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INCREASE REVENUE ACCOUNT:

A.6101 .R460.1000	Federal Aid – Medical Assistance	\$40,000
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Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 217-17

To Revise Budget for 2017-2018 Drinking Water Enhancement Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State budget included an unanticipated \$1,000,000 increase in the 2017-2018 Drinking Water Enhancement Program for the 4/1/17-3/31/18 grant period; and

WHEREAS, Chautauqua County's share of the additional funding is \$31,268; and

WHEREAS the autoclave in Environmental Health's water laboratory has failed and must be replaced and the GIS system must be updated; and

WHEREAS, the 2017 Budget must be adjusted to include these awarded funds and related expenditures; now, therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4090.----.2	Equipment-Environmental Health	\$ 4,945
A.4090.----.4	Contractual-Environmental Health	<u>\$26,323</u>
		\$31,268

INCREASE REVENUE ACCOUNT:

A.4090.R348.9DEC	New York State Aid – DEC-Water Quality Mgt	\$31,268
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Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 218-17

Authorize Litigation Against Major Drug Manufacturers to Recover Current and Future Damages to the County from Abuse of Opioid Pharmaceuticals

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

WHEREAS, according to statistics provided by the Centers for Disease Control and Prevention, in 2014, there were 28,647 opioid overdose deaths nationwide, or 78 people per day, and a 14% increase in one year, driven by both prescription opiate abuse as well as heroin abuse, the latter often brought on by prescription opiate abuse; and

WHEREAS, a report of the New York State Comptroller in 2016 found that overdose deaths in New York related to heroin use reached a record high of 825 in 2014, a jump of more than 23 percent from the previous year and nearly 25 times the number of a decade earlier, and that deaths in which prescription opioids were a contributing factor also reached a new peak in 2014, nearly four times the level in 2005; and

WHEREAS, in Chautauqua County in 2016, there were 63 opioid overdose emergency department visits, and 21 confirmed opioid overdose deaths equating to a crude death rate of 16.1, higher than the New York State rate of 11.0, and in addition, emergency medical responders delivered 76 doses of the opioid antagonist naloxone in 2016 and 58 doses through July 2017; and

WHEREAS, various entities, including Erie County, Niagara County, Nassau County, Suffolk County, Orange County, Broome County, and the State of Ohio have pursued lawsuits against the manufacturers of pharmaceuticals containing opioids, alleging, in the words of the Buffalo Law Journal, that "pharmaceutical manufacturers misled doctors and patients into believing that opioid painkillers were not addictive" and that "the drug manufacturers aggressively marketed opioid pain relievers despite growing addiction rates, misrepresented the dangers of long-term opioid use to physicians and ignored that continued use of opioids diminishes the drugs' intended result, requiring increases in dosage and ups the risk of addiction," and

WHEREAS, the Nassau County lawsuit states that the pharmaceutical manufacturers "knew that opioids were effective treatments for short-term post-surgical and trauma-related pain, and for palliative (end-of-life) care," but "they also knew – and had known for years – that opioids were addictive and subject to abuse, particularly when used long-term for chronic non-cancer pain (pain lasting three months or longer, hereinafter referred to as "chronic pain"), and should therefore should not be used except as a last-resort" and that "the U.S. Food and Drug Administration ("FDA") has expressly recognized that there have been no long-term studies demonstrating the safety and efficacy of opioids for long-term use," and

WHEREAS, it is appropriate that the County of Chautauqua should recover damages from those parties directly contributing to high costs to the taxpayers in the form of increased social services, policing, and other expenditures, so as to mitigate the impact of same; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to commence civil litigation on behalf of the County against pharmaceutical manufacturers and other persons who have culpability in manufacturing and promoting opioid products in an unsafe manner which has caused current and future damages to the County.

Signed: Tarbrake, Lemon, Whitford, Chagnon, Nazzaro, Muldowney, Borrello

REGULAR SESSIONS

Unanimously Adopted - August 23, 2017

RES. NO. 219-17

Joint Funding Agreement with U.S. Department of Interior – Geological Survey

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

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has caused to have constructed a gage station on Chautauqua Lake and gage instrumentation on the Dow Street Bridge in the Village of Falconer (Resolution No.537-73); and

WHEREAS, the operation and maintenance of these stations is recognized by Chautauqua County as an integral part of not only a flood prevention program on the shores of Chautauqua Lake and within the Village of Falconer, but also as an integral part of a low flow program concerning the maintenance of the Chadakoin River system; and

WHEREAS, the United States Department of Interior periodically offers a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua requiring a local share for the operation and maintenance of the lake gage; and

WHEREAS, the County annually budgets to pay the local share portion of the Joint Funding Agreement; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into annual Joint Funding Agreements with the U.S. Geological Survey within annual budget appropriations.

Signed: Chagnon, Odell, Starks, Niebel, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 220-17

Acceptance of New York State Empire State Development "I Love NY" Funding for the Promotion of LECOM Health Challenge

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

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and Chautauqua Region Economic Development Corporation (CREDC) worked in conjunction with PGA Web.com to bring the LECOM Health Challenge to Peek 'n Peak Resort for four years (2016-2019); and

WHEREAS, the LECOM Health Challenge creates a unique attraction event at Peek 'n Peak Resort; serves as a catalyst for attracting tourists to Chautauqua County; and brings national attention to the many tourism assets Chautauqua County has to offer; and

WHEREAS, the LECOM Health Challenge is an important tourism event for Chautauqua County as a whole to support and benefit from; and

JOURNAL OF PROCEEDINGS

WHEREAS, the New York State Empire State of Development (NYSESD) committed \$150,000 from their "I Love NY" funding to promote Chautauqua County and New York State through the LECOM Health Challenge; and

WHEREAS, the County desires to use the funding to reimburse the Chautauqua Regional Economic Development Corporation (CREDC) for marketing expenses incurred during the promotion of the LECOM Health Challenge; and

WHEREAS, these funds are not included in the 2017 Budget; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSESD "I Love NY" funding in the amount of \$150,000 to promote Chautauqua County and New York State through the LECOM Health Challenge; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement with NYSESD for the acceptance of said funds; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.4	Contractual – Promotion of Industry	\$150,000
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INCREASE REVENUE ACCOUNT:

A.6420.R371.5	PGA New York State Aid—Tourism Promotion: PGA Initiative Funding	\$150,000
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Chagnon, Nazzaro, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 221-17

Financial Management Policy for the County of Chautauqua

At the Request of Chairman David Himelein and Legislator Pierre Chagnon:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the current Financial Management Policy adopted in 2015 pursuant to Resolution 147-15 was reconfirmed in 2016 pursuant to Resolution 158-16 with no amendments; and

WHEREAS, there are no additional amendments to the existing policy proposed at this time; therefore be it

RESOLVED, That the existing Financial Management Policy is hereby reconfirmed.

Signed: Himelein

REGULAR SESSIONS

Unanimously Adopted - August 23, 2017

RES. NO. 222-17

Authorizing Public Hearing Regarding Modification of Improvements for North Chautauqua County Water District

By Audit & Control Committee:

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

WHEREAS, pursuant to Resolutions 260-15, 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, subsequent to the adoption of Resolutions 260-15, 39-16 and 81-16, the District has found it necessary to modify the initial capital improvements due to changes in the structure of the financial assistance to be received from New York State's funding agencies, and changes in the timing of projects to be completed under this initial "Phase 1" of the District's development; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015, with Amendment #1 to Section 7.0 dated August 2017 (hereinafter referred to as the "Map and Plan") prepared by Clark Patterson Lee, 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 § 253-b and § 254; 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 September 27, 2017 at 6:45 o'clock PM, prevailing time, on the question of the adoption of the modified Map and Plan that includes changes to the improvements and financing of the District's initial capital improvements, and to take such action thereon as is required or authorized by law; 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:

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 September 27, 2017 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the adoption of the modified Map and Plan for the construction of improvements for the North Chautauqua County Water District in said county that modifies the original Map and Plan previously

JOURNAL OF PROCEEDINGS

approved by the Chautauqua County Legislature on December 16, 2015, with such modifications to the Map and Plan consisting of: (1) the addition to the project of the installation of master meters for all water supplied by the City of Dunkirk to the District; (2) the addition to the project of the installation

of 12,000 linear feet of new water main along NYS Route 5 from Eagle Bay to the Village of Silver Creek; (3) a change in the linear feet to be replaced in the Village of Brocton Transmission supply main – increased from 4500 feet to 8700 feet; (4) a change in the linear feet of a new water main to be installed along NYS Route 5 from the Town of Dunkirk to Harrington Road – increased from 2,000 feet to 3,200 feet; (5) the elimination of the replacement of existing water main along Willowbrook Avenue and Central Avenue and a new booster pump station, which may be moved to a future phase of District improvements should the Village of Fredonia choose to participate; (6) the designation of the Town of Pomfret Water Main and the Dunkirk Water Storage tank project as alternatives to be included if funding permits; (7) via financing obtained through the New York State Environmental Facilities Corporation (NYSEFC), the Village of Brocton will construct and own the portions of the project known as the Village of Brocton Transmission and the West Side Transmission Main; and (8) upon completion of construction, the District shall operate and maintain the said Village of Brocton Transmission and the West Side Transmission Main, and shall pay the Village of Brocton the amount of the annual debt service on the improvements with the District to assume ownership of the improvements after the NYSEFC loans are paid.

The estimated maximum cost of the improvements as modified would increase from \$11,750,000 to \$15,068,000, but due to an increase in grants, contributions, and subsidized financing, the estimated annual District debt service of \$292,500 is approximately the same as the original estimated annual debt service amount of \$292,030. 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: Chagnon, Nazzaro, Muldowney, Borrello

Unanimously Adopted - August 23, 2017

RES. NO. 223-17
Quit Claim Deeds

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

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

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. 110-17; now therefore be it

REGULAR SESSIONS

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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-80-2017	C/Jmstn.	060800-387.08-9-26	Joe Michishima	\$ 2,200.00	\$ 6,658.23
PA-134-2017	C/Jmstn.	060800-388.05-1-10	Thomas C Flagella	\$ 200.00	\$ 282.94
PA-135-2017	C/Jmstn.	060800-388.05-1-11	Thomas C Flagella	\$ 50.00	\$ 282.94
PA-136-2017	C/Jmstn.	060800-388.05-1-12	Thomas C Flagella	\$ 50.00	\$ 282.94
PA-137-2017	C/Jmstn.	060800-388.05-1-13	Thomas C Flagella	\$ 50.00	\$ 282.94
PA-161-2017	Carroll	062400-423.06-2-72	Sierra Anne Nixon	\$ 19,000.00	\$ 18,265.00
PA-165-2017	Charlotte	062689-199.00-2-13	Chris Augspurger	\$ 7,900.00	\$ 7,342.00
				\$ 29,450.00	\$ 33,396.99

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

Unanimously Adopted - R/C Vote – 19 Yes - August 23, 2017

COMMENDATION:

For
LEGISLATOR MARK TARBRAKE
By
CHAIRMAN DAVID HIMELEIN
&
COUNTY EXECUTIVE VINCENT W. HARRIGAN

2nd Privilege of the Floor

Emily Reynolds, Executive Director of Cornell Cooperative Extension. I live in Sherman, New York. I just want to thank those of you that were able to make it to our Farmer Neighbor Dinner and to our celebration at the Grape Institute. I really enjoyed having you there and showing you what we do. We have another opportunity coming up on Saturday, we have our Visit the Farm Day. It's at Oakview Dairy on the Corner of Shadyside and Nutt Road in Busti/Jamestown. So, if you are available on Saturday from 11 to 3 we will be there all day and we take tours every 20 minutes through the farm and talk about what a working farm does and answer questions and those types of things. So it's a great time to get out, get on the farm and see what is going on. So we encourage you all to come. Thank you.

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My name is Anthony Toda, 144 Clifton Avenue in Jamestown and I would like to comment on the possible sale of the South County Office Building on 110 East 4th Street in Jamestown. First I do not believe that it is in the interest of the County to sell and privatize the building. The use would have to include, as far as expenses, the purchase of the building, building maintenances, and taxes which are going to be incorporated by the owner obviously in Jamestown and County property taxes. Right now the County only pays for building maintenance and utilities which would be for obviously possibly after the building sale if that happens. *(Inaudible-too close to the mic)*.. income or savings of

the County over the long time. In the August 20th issue of the Jamestown Post Journal, the City of Jamestown has *(inaudible)* highest property taxes in the County. *(Inaudible)* property tax liability will therefore be the highest in the County on a percentage basis. Because the County would pay a lease charge, every taxpayer in the County would have to pay for the Jamestown property tax which is incorporated in the lease charge. That creates a hidden extra layer of taxation for County taxpayers who live outside the City of Jamestown. Finally, the sale of the building *(inaudible)* in the City of Jamestown. Mayor Teresi has taxes the City to the verge of bankruptcy including tax cap overrides and changing the State constitution tax limit. *(Inaudible)* Teresi administration *(inaudible)* in his responsibilities and got the City of Jamestown into this mess and we cannot *(inaudible)* by the sale. Teresi irresponsible *(majority of statement inaudible due to closeness to the mic)* Village of Falconer and the Town of Ellicott about possible annexation by the City of Jamestown why these properties are by the BPU and the Village of Falconer. Thank you very much.

Chairman Himelein: You forgot an announcement.

Legislator Starks: Apologizes for this forgotten announcement but Fredonia has yet another festival that comes up before we meet again. The Red White and Blues Festival is September 8th and 9th, which is the weekend after Labor Day so again, come out to Fredonia, Thanks.

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. *(7:20 p.m.)*

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, September 27, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present.

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

MOVED by Legislator Lemon , SECONDED by Legislator Wendel, the minutes were approved. (8/23/17)

1st Privilege of the Floor

My name is Dennis Collins, I'm President of the Cassadaga Lake Association. This Legislature has always been cooperative in helping us keep the watershed areas around the lakes clear and clean. We ask your support for a proposal on the agenda tonight for the construction of a Nature Park in Cassadaga. We would be thankful of that. Thank you very much.

My name is Barbara Nellis, a resident of Chautauqua County. We have been wanting fresh water for a long time. We're 150 feet from it on one side and .9 miles from it on the other side. I don't see anything in the notice that I was sent that says anything about enlarging the one on Rt. 5 because right now it's too small and the people at the end have no water pressure and that's where we are. Right around the corner from that end of the pipe. So, are you going to do Van Buren because like I said, it's .9 miles of us that are kind of stuck in the middle and don't have fresh water and the wells are all sulfur and yes you can drink it if you can get it down without gagging but we're kind of hanging in there waiting. So we'd appreciate any consideration you can give to that need. Thank you .

David Hughes, Town of Sheridan, Rt. 5. This water situation that you will discuss tonight, since we've put the water line in down there on Rt. 5, my bill is four times more than when I started. This year they added another \$200.00 for maintenance. They were collecting \$200.00 before. When I called them, I asked why and they said that they had 2 water breaks. I've done this work for 20 years. The pipe they put in there cannot break. So, I asked where these problems were, they didn't know. Now, all of a sudden I'm paying \$1,200.00 a year for water. They don't know what is going on with it and we're going to put more water lines in and I think people who are going to get this water line should be forewarned what is going to happen to them and it's not pleasant. Thank you.

My name is Glenn Reed and I live in the Town of Sheridan. I live on Rt. 5 and I would just like to note that I support this water district 100% for two reasons. I believe it's going to bring us into the 21st century, it should bring in industry to be more competitive, and the second thing it's going to improve our quality of life. Thank you very much.

My name is Mike Ferguson from Fredonia, New York. I caution the discussion of the sale of the three buildings that we're about to discuss this evening. I had the opportunity yesterday to meet with Union leaders who are concerned that the sale of the building will annul any agreements they may have and thereby eliminate the prevailing wage for any work being done on these buildings once they are sold to a private concern. Thank you.

I'm Ron Bowers, I live in the Town of Sheridan on Rt. 5 and I'm here to support the proposed changes to the water district to feed to Silver Creek. I support the overall water district for

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two reasons. Not only do I live in the Town of Sheridan, I'm also a factory manager for Nestle Purina Pet Care and having a reliable water source for us is critically important. On the personal side, I live on Rt. 5 where the proposed water extension is going to pass right along into the Town of Silver Creek. We currently have a private water line. I am President of that Water Association. We have 25 members on our private water line. Our water line is over 60 years old and develops leaks every year. We're really struggling to keep that water line in operation and this proposed water district extension to Silver Creek would help us out by replacing that water line. So, thank you very much.

County Attorney Abdella: Just as a point of information. There is a public hearing at 6:45 on the modifications to the North Chautauqua County Water District. You are free to speak during the privilege of the floor but there is also opportunity to speak during the formal public hearing at 6:45.

My name is Frank Besse, I live at 515 Pine Street in the City of Jamestown. I'm here this evening to speak about the sale of the South County Office Building that is on the agenda for this evening. As a business owner, I cannot find the financial sense in selling this building at this time. I can't understand how the County can save money while at the same time a private enterprise will also be profitable in this endeavor. During research I saw that only 2 proposals were put forth for purchasing this building. I find that inadequate for selling such a large asset that the County holds in the heart of downtown Jamestown. In someone that believes in the vibrant future of downtown, I would see it in the best interest of the County to hold onto this asset for years to come to find the best way to be part of the renaissance that is occurring downtown. Furthermore I talked to many employees of the South County Office Building and they see in the future no decline in the services that are provided through this building. They see a lot of benefit in the coordination between the services that are all in one facility and that is both on the employees' side but also on the community members who come in who need those services. I'm concerned that selling this building will create a fragile situation for the long term viability of these services downtown and I urge the County Legislature to vote no and if nothing else, please table this proposal until a market analysis can be done to see if we can get a better price for the property is that in the interest of this body and see if we can find better uses for the building, long term while maintaining ownership of the building. Thank you.

I'm John Jablonski, representing Chautauqua Water Conservancy, 413 North Main Street. I'd like to thank the members of the Planning & Economic Development Committee for providing the motion tonight in support of the Chautauqua Watershed's Conservancy proposed Cassadaga Lake Nature Park project and I encourage the full Legislature to provide their support for this project which we believe will help maintain the clean water and the recreational viability of Cassadaga Lake long into the future. Thank you.

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

MOVED by Legislator Wendel, SECONDED by Legislator Nazzaro to accept and move the emergency resolution forward. - *Unanimously Carried*

EMERGENCY
RES. NO. 244-17

Appointment of Daniel W. Pavlock as Legislator from District 14, Towns of Charlotte, Gerry, Ellington and Ellicott and the Village of Sinclairville, NY

At the Request of: Chairman Himelein and Legislators Muldowney, Scudder, Niebel, Borrello, Odell, Chagnon, Wendel, Wilfong, Rankin, Vanstrom, Lemon, Gould and Hemmer:

REGULAR SESSIONS

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Mark J. Tarbrake, District 14; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 14, (Towns of Charlotte, Gerry, Ellington, Ellicott and Village of Sinclairville) Committee recommending the appointment of Daniel W. Pavlock, 2 Main Street, Sinclairville, NY, 14782; and

WHEREAS, a Certificate of Acceptance has been received from Daniel W. Pavlock; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Daniel W. Pavlock is hereby appointed Legislator from District 14, comprised of the Towns of Charlotte, Gerry, Ellington and Ellicott and the Village of Sinclairville.

Unanimously Adopted – September 27, 2017

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN
NO VETOES FROM 8/23/17

COMMENDATION: NEW YORK STATE POLICE
by
LEGISLATOR BORRELLO
and
LEGISLATOR RANKIN

6:45 P.M.

PUBLIC HEARING
REGARDING MODIFICATION OF
IMPROVEMENTS FOR NORTH
CHAUTAUQUA COUNTY WATER DISTRICT

Chairman Himelein: We will now open the public hearing regarding the modifications of improvements for the North Chautauqua County Water District (6:52 p.m.). Is there anyone here to speak to that, for or against? Seeing no one I will close the public hearing. (6:53 p.m.)

PRESENTATION: 2018 CHAUTAUQUA COUNTY
BUDGET
by
COUNTY EXECUTIVE VINCENT W. HARRIGAN

Presentation can be found at:

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/2301>

COMMUNICATIONS:

1. Letter – County Executive – Apptmt. – Youth Board
2. Proof of Publication – Re: Public Hearing –North Chaut. Co. Water Dist.
3. Acknowledgment – Clerk Tampio – Re: Receipt of Financial Disclosure/2017
4. Acknowledgement – Apptmt. of Assistant Majority Leader to Fill Vacancy Created by the Resignation of M. Tarbrake

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5. Report – Fn. Director Crow – Investment Report – July/2017
 6. Report & Resolution – South & Center Chaut. Lake Sewer District
 7. NYS Dept. of Taxation & Finance – Re: 2017 State Equalization Rates (2)
 8. Letter – NYS Dept. of State – Ack. Receipt of LL 8-17
 9. Letter – NYS Dept. of Taxation & Finance – Re: Ack. Receipt of Res. 199-17
 10. Letter – NYS Dept. of Taxation & Finance – Re: Ack. Receipt of LL 8-17
 11. Letter – NYS Comptroller – Ack. Receipt of Res. 199-17
 12. Letter – NYS Ag. & Markets – Re: 8 Year Review Due for County District 10
 13. Certificate to Fill Vacancy on Chautauqua County Legislature – District 14
 14. Certificate of Acceptance to Fill Vacancy - District 14 - Daniel W. Pavlock
 15. Chautauqua County Audit by Drescher & Malecki, LLP
-

MOTIONS:

- 6-17 To Proclaim October 1-7, 2017 as 4-H Week in Chautauqua County – *Unanimously Adopted*
- 7-17 In Support of Proposed Cassadaga Lake Nature Park – *Unanimously Adopted*
-

RES. NO. 224-17

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.

Kayleah Feser 232 King St. Dunkirk, N.Y. 14048 Term Expires: 12/31/17	Filing term of Cody Gustafson
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Signed: Lemon, Whitford, Rankin, Wilfong

Unanimously Adopted – September 27, 2017

RES. NO. 225-17

Confirm Appointment - Chautauqua County Coroner

At the Request of Chairman David Himelein, Legislators Gould & Starks:

WHEREAS, one of the four offices of Coroner in Chautauqua County became vacant on August 22, 2017; and

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

REGULAR SESSIONS

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following person as Chautauqua County Coroner effective September 28, 2017 with term to expire December 31, 2017.

Francis Migliore, Jr.
415 East Fourth Street
Jamestown, N.Y. 14701

Filling term of James Jackson

Signed: Himelein

Unanimously Adopted – September 27, 2017

RES. NO. 226-17

Calling a Public Hearing Pursuant to County Law §254 Upon a Proposal to Extend the South & Center Chautauqua Lake Sewer Districts through the Hamlet of Stow for the West Side of Chautauqua Lake

By Public Facilities Committee:

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; and

WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake and have been identified as a primary point source of phosphorus inputs to Chautauqua Lake; and

WHEREAS, it is likely that 50% of such existing septic systems in proximity to Chautauqua Lake would fail tests for adequacy pursuant to applicable sanitary codes, and the cost to property owners for replacement of such septic systems can be in a range of \$15,000 to \$25,000 or more; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and other stakeholders worked collaboratively and contracted with O'Brien and Gere Engineers to develop the "Chautauqua Lake Integrated Sewage Management Plan" (CLISMP), which was completed in October 2014; and

WHEREAS, a portion of the CLISMP recommendations include the upgrade, extension, and development of sewer infrastructure to replace existing septic systems in the Towns of Chautauqua, Ellery and North Harmony; and

WHEREAS, pursuant to Resolution 104-15, the Chautauqua County Sewer Agency was established pursuant to Article 5-A of New York State County Law to evaluate sewer infrastructure needs and make recommendations to the County Legislature the creation or extension of County

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sewer district(s) as may be necessary to reduce phosphorous inputs and improve the environmental health of Chautauqua Lake; and

WHEREAS, the Clean Water Infrastructure Act of 2017 (CWIA) provides \$2.5 billion for clean and drinking water infrastructure projects and water quality protection across New York, including an additional \$1 billion for the New York State Water Infrastructure Improvement Act of 2017 (WIIA) for the award of grants to assist municipalities in funding water quality infrastructure; and

WHEREAS, in order to reduce phosphorous inputs to Chautauqua Lake and take advantage of funding opportunities from CWIA and WIIA, the Sewer Agency has transmitted to this Legislature a map and plan made by O'Brien & Gere, engineers licensed by the State of New York, dated September 2017, entitled "Sewer Extension through the Hamlet of Stow for the West Side of Chautauqua Lake," and a "Report and Resolution in the Matter of the Extension of the South and Center Chautauqua Lake Sewer Districts (SCCLSD)," containing recommendations as to the extension of SCCLSD (hereinafter collectively referred to as the Map, Plan and Report) for a maximum amount to be expended of \$16,888,000; and

WHEREAS, County Law §254 requires this Legislature to call a public hearing on the Map, Plan and Report; 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 October 25, 2017, at 6:45 o'clock PM, prevailing time, on the proposal to extend SCCLSD as set forth in the Map, Plan and Report; 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 proposed extension area of SCCLSD 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 October 25, 2017 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the extension of the South and Center Chautauqua Lake Sewer Districts (SCCLSD) through the hamlet of Stow on the west side of Chautauqua Lake for a maximum amount to be expended of \$16,888,000. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.

The improvements proposed for SCCLSD consist of new facilities for the sewer extension that include a combination of gravity sewers, pressure sewers, grinder pumping stations, and sewage pumping stations, with major components of the system to include: (1) 15,500 feet of gravity sewers; (2)

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36,300 feet of pressure sewers; (3) 3 pumping stations; and (4) 200 grinder pumping stations. Properties within 500 feet of Rt. 394 (to the West) would be provided public sewer, as well as properties located between Rt. 394 and Chautauqua Lake.

The area to be included within the proposed extension of SCCLSD is set forth as follows:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of North Harmony, County of Chautauqua, State of New York, shown on Figure 1 entitled, "Map Showing the Boundaries of Proposed South Chautauqua Lake Sewer District Extension"; bounded and described as follows: BEGINNING at a point on the south shore of Chautauqua Lake at its intersection with the northerly line of the existing South Chautauqua Lake Sewer District as described in Emergency Resolution No. 105-69 of the Chautauqua County Board of Supervisors dated May 9, 1969 and approved by the same board under Resolution No. 127-69 dated June 13, 1969, said point also being on the division line between current SBL (Section Block and Lot) tax parcel number 367.14-1-4 (old# 26-1-10.2.2, being a portion of old# 26-1-10.2 as described in Emergency Resolution No. 105-69) on the south and current SBL tax parcel number 367.14-1-3.1 (old# 26-1-9.1 as described in Emergency Resolution No. 105-69) on the north; thence southwesterly along the said division line and on the northerly line of the existing South Chautauqua Lake Sewer District as described in Emergency Resolution No. 105-69 to a point on the easterly right-of-way line of New York State Route 394, previously known as New York State Route 17-J; thence continuing in the same southwesterly direction, across the right-of-way of New York State Route 394 and that portion of North Maple Avenue as may be the case to a point on the westerly right-of-way of New York State Route 394; thence northerly along the west right-of-way of New York State Route 394 to a point at its intersection with northerly line of SBL tax parcel number 367.00-1-27 (old# 11-1-35.1 as described in Emergency Resolution No. 105-69); thence southwesterly along the north line of SBL tax parcel number 367.00-1-27 and the northerly line of the existing South Chautauqua Lake Sewer District as described in Emergency Resolution No. 105-69 to a point intersecting the proposed westerly line of the South Chautauqua Lake Sewer District Extension, said westerly line being five hundred (500) feet westerly offset from and at all points parallel to the westerly right-of-way of New York State Route 394; thence northerly continuing along the said five hundred (500) foot offset line crossing the rights-of-way of Bly Hill, Cheney & Ramsey Roads and that of the 1-86 Interstate Highway to a point in the center of the Stow Road right-of-way; thence northeasterly along the center of the Stow Road right-of-way 570 feet more or less to a point in the center of New York State Route 394 right-of-way; thence northwesterly in the center of New York State Route 394 right-of-way on a curve to the left an approximate distance of 845 feet more or less to a point at its intersection with the southerly extension of the westerly most division line between SBL tax parcel number 332.00-2-15, being lands of The People of The State of New York (under the current jurisdiction of the New York State Department of Environmental Conservation) on the east and SBL tax parcel number 332.11-1-17.3.2 on the west; thence northerly along the last mentioned extension, the westerly most division line itself and continuing on the westerly most division line of SBL tax parcel number 332.00-2-14 on the east and SBL tax parcel number 332.11-1-17.3.2 on the west to a point on the westerly shore of Chautauqua Lake; thence southerly and easterly along the shore of Chautauqua Lake 22,900 feet more or less to the point and place of beginning.

The local costs for the proposed SCCLSD sewer extension will be assessed on an equivalent dwelling unit (EDU) basis solely to new users within the extension area. A listing of tax parcels within the extension area and a unit assessment table have been included as Appendices A and C, respectively, in the SCCLSD extension report, which is on file for inspection in the office of the Clerk of the County Legislature, Gerace Office Building, Mayville, New York, and available on-line at <http://www.co.chautauqua.ny.us/DocumentCenter/Home/View/5640>. The listing of tax parcels and unit assessment table outline how residential, commercial, and vacant properties will be assessed. A

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single family home constitutes 1 EDU and a two family home constitutes 2 EDUs. The estimated annual cost is \$1,000/EDU, consisting of \$646 per EDU per year for the capital cost, and \$354 per EDU per year for the cost of operating and maintaining the proposed improvements; therefore, properties assessed at 1 EDU will pay \$1,000/year, properties assessed at greater than 1 EDU will pay some multiple of \$1,000 annually, and vacant properties will pay \$100/year. Properties within the extension area that are already served by SCCLSD through the existing Town of North Harmony District facilities shall not be allocated any portion of the cost of the construction of the extension facilities that will benefit the new users, and shall continue to pay the existing applicable SCCLSD charges that are currently \$354 per EDU per year.

As a result, the proposed extension of SCCLSD shall have two zones of assessment: one zone of assessment consisting of new users that shall pay \$1,000 per EDU or \$100 per year for vacant properties as described above, and one zone of assessment consisting of current properties within the existing Town of North Harmony Sewer District that shall not be allocated any portion of the cost of the construction of the extension facilities and who shall continue to pay the existing applicable SCCLSD charges that are currently \$354 per EDU per year. The allocation of the cost of the extension shall not include any proportion of the cost of the system of the original districts. Said zones of assessment and allocations of cost may be changed from time to time by the County Legislature after a public hearing whenever the County Legislature shall determine that such changes are necessary in the public interest. Implementation of the project to extend the SCCLSD is contingent upon the receipt of grants and no-interest financing similar to the estimated amounts set forth in the SCCLSD extension report referenced above.

The estimated unit costs for new users do not include the cost to connect to the system including permit fees to SCCLSD. Each new user is responsible to pay the costs to install a sewer line from their dwelling to the property line (for gravity connections) or to a grinder pumping station installed near the dwelling. Price will vary depending on type of service and subsurface conditions. A cost of \$2,500 for the exterior connection is a reasonable budget. Current connection permit fees are \$150. Reconfiguration of existing plumbing within the dwelling may also be required. There are grants property owners are eligible to apply for to offset the connection cost through the United States Department of Agriculture Rural Development.

Signed: Hemmer, Scudder, Gould

MOVED by Legislator Wendel, SECONDED by Legislator Nazzaro insert language (last line (underlined) in the next to the last paragraph) – *Unanimously Carried*

Unanimously Adopted as amended – September 25, 2017

RES. NO. 227-17

Authorizing the Sale of the South County Office Building in Jamestown, New York

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

WHEREAS, the County owns the South County Office Building located at 110 East Fourth Street in Jamestown, New York, identified by Section, Block and Lot numbers 387.41-1-1 and 387.41-1-2 (the Property); and

WHEREAS, the County will benefit from restoration of the Property to the County tax rolls with the County continuing to utilize the Property for a period of time under a lease arrangement; and

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WHEREAS, pursuant to New York State County Law §215(5), upon a determination by the County Legislature that County real property is no longer necessary for public use with County ownership of the property, the Legislature may, by resolution adopted by the affirmative vote of two-thirds of the total membership, sell and convey all the right, title and interest of the County in the property; and

WHEREAS, the County issued RFP 2-17 PFTH for the sale of the Property, and the proposal reviewing committee recommends acceptance of a proposal from Jody Peterson, CEO of Jamestown's Rental Properties, LLC (the Purchaser), to purchase the Property and enter into a lease with the County for a period of years; and

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

WHEREAS, the County has determined that the sale of the Property (the Action) is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law; and

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

RESOLVED, That pursuant to New York State County Law §215 and Chautauqua County Local Law 7-75, the Chautauqua County Legislature hereby finds that it is no longer in the best interest of the County to own the Property, and that the Property is no longer necessary for public use with County ownership; and be it further

RESOLVED, That the Action entails merely a lease and the transfer to the Purchaser of the ownership of an existing building and associated property with no change to the environment, facility, or property, such that: the Action will not result in an adverse impact to the Property, will not adversely affect any water body designated as protected pursuant to New York Environmental Conservation Law, and will not affect any non-protected existing or new body of water; there will be no significant adverse impact to existing air quality from the Action; there will be no substantial adverse environmental impacts to plants and animals from the Action; the Action will not cause a significant adverse effect on aesthetic resources in the area; the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance; the Action will not adversely impact open space or recreation; the Action will not entail any adverse impact on transportation; there will be no adverse impact from the Action on the growth and character of the community or neighborhood; and the Action will have none of the adverse, significant environmental impacts referred to in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the implementing regulations found at 6 N.Y.C.R.R. Part 61, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the conveyance of the Property to the Purchaser for a purchase price of One Million Seven Hundred Thousand Dollars (\$1,700,000.00), with a lease to the County as set forth herein; and be it further

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RESOLVED, That the lease shall be for a period of ten (10) years on substantially the following terms and conditions:

1. Premises. The South County Office Building located at 110 East Fourth Street in Jamestown, New York, together with all appurtenances and improvements.
2. Rent. The first year rent will be Ten and 25/100 Dollars (\$10.25) per square foot, amounting to Five Hundred Ninety-one Thousand Sixty-six and 25/100 Dollars (\$591,066.25) for the year, with an annual price escalator of four percent (4%).
3. Term. Ten (10) years, with an option to renew for an additional ten (10) years.
4. Utilities. Paid by Purchaser, including electric, water, sewer, heat, and trash removal.
5. Maintenance and Repair. Purchaser will be responsible for all maintenance and repair, including but not limited to painting, interior decorative changes or improvements, and routine maintenance of the air, heat, water and sewage systems. Purchaser will also be responsible for grounds maintenance, including but not limited to parking ramp maintenance, snow removal, and sidewalk maintenance and cleaning. County will be responsible for ordinary and routine cleaning of the building.
6. Other. As negotiated by the County Executive; and be it further

RESOLVED, That the County Executive is authorized to execute all contracts, deeds, bills of sale, leases, and all other documents necessary to accomplish the sale of the Property to the Purchaser and the lease of the Property back to the County.

Signed: Hemmer, Scudder, Gould, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Borrello

Adopted – R/C Vote: 15 Yes; 4 No (No's – Bankoski, Nazzaro, Starks, Whitford) - September 27, 2017

RES. NO. 228-17

Authorizing the Sale of the Frank W. Bratt Agricultural Center in the Town of Ellicott, New York

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

WHEREAS, the County owns the Frank W. Bratt Agricultural Center Building located at 3542 Turner Road in the Town of Ellicott, New York, part of the parcel identified by Section, Block and Lot number 336.00-1-35.1 (the Property); and

WHEREAS, the County is not presently using the Property for County purposes and does not anticipate a future need to use the Property for County purposes; and

WHEREAS, ownership and maintenance of the Property is a burden to the County, and the County will benefit from restoration of the Property to the County tax rolls; and

WHEREAS, pursuant to New York State County Law §215(5), upon a determination by the County Legislature that County real property is no longer necessary for public use the Legislature

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may, by resolution adopted by the affirmative vote of two-thirds of the total membership, sell and convey all the right, title and interest of the County in the property; and

WHEREAS, the County issued RFP 2-17 PFTH for the sale of the Property, and the proposal reviewing committee recommends acceptance of a proposal from Jody Peterson, CEO of Jamestown's Rental Properties, LLC (the Purchaser), to purchase the Property; and

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

WHEREAS, the County has determined that the sale of the Property (the Action) is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law; and

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

WHEREAS, the Property is located within the bounds of the Jamestown Airport property rendering sale of the Property subject to FAA approval; now therefore be it

RESOLVED, That pursuant to New York State County Law §215 and Chautauqua County Local Law 7-75, the Chautauqua County Legislature hereby finds that it is no longer in the best interest of the County to own the Frank W. Bratt Agricultural Center property and that the Property is no longer necessary for public use; and be it further

RESOLVED, That the Action entails merely the transfer to the Purchaser of the ownership of an existing building and associated property with no change to the environment, facility, or property, such that: the Action will not result in an adverse impact to the Property, will not adversely affect any water body designated as protected pursuant to New York Environmental Conservation Law, and will not affect any non-protected existing or new body of water; there will be no significant adverse impact to existing air quality from the Action; there will be no substantial adverse environmental impacts to plants and animals from the Action; the Action will not cause a significant adverse effect on aesthetic resources in the area; the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance; the Action will not adversely impact open space or recreation; the Action will not entail any adverse impact on transportation; there will be no adverse impact from the Action on the growth and character of the community or neighborhood; and the Action will have none of the adverse, significant environmental impacts referred to in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the implementing regulations found at 6 N.Y.C.R.R. Part 61, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the conveyance of the Property to the Purchaser for a purchase price of Seventy-five Thousand Dollars (\$75,000.00), subject to the County's retention of avigation easements as may be required by the FAA; and be it further

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RESOLVED, That subject to FAA approval, the County Executive is authorized to execute all contracts, deeds, bills of sale, and all other documents necessary to accomplish the sale of the Property.

Signed: Hemmer, Scudder, Gould, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Borrello

Unanimously Adopted – R/C/ Vote: 19 Yes - September 27, 2017

RES. NO. 229-17

Authorizing the Sale of the Sherman Shop Maintenance Facility in the Town of Sherman, New York

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

WHEREAS, the County owns a Sherman Shop Maintenance Facility located at 3709 Route 430 in the Town of Sherman, New York, identified by Section, Block and Lot number 328.08-1-21 (the Property); and

WHEREAS, the Facility, designed in 1949, no longer meets County needs; and

WHEREAS, a new maintenance facility is being constructed on a different parcel of property; and

WHEREAS, with the construction of the new facility the County no longer has a need for the Property, and the County will benefit from restoration of the Property to the County tax rolls; and

WHEREAS, pursuant to New York State County Law §215(5), upon a determination by the County Legislature that County real property is no longer necessary for public use the Legislature may, by resolution adopted by the affirmative vote of two-thirds of the total membership, sell and convey all the right, title and interest of the County in the property; and

WHEREAS, the County issued RFP 2-17 PFTH for the sale of the Property, and the proposal reviewing committee recommends acceptance of a proposal from Jody Peterson, CEO of Jamestown's Rental Properties, LLC (the Purchaser), to purchase the Property; and

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

WHEREAS, the County has determined that the sale of the Property (the Action) is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law; and

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

RESOLVED, That pursuant to New York State County Law §215 and Chautauqua County Local Law 7-75, the Chautauqua County Legislature hereby finds that it is no longer in the best interest of the County to own the Property and that the Property is no longer necessary for public use; and be it further

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RESOLVED, That the Action entails merely the transfer to the Purchaser of the ownership of an existing building and associated property with no change to the environment, facility, or property, such that: the Action will not result in an adverse impact to the Property, will not adversely affect any water body designated as protected pursuant to New York Environmental Conservation Law, and will not affect any non-protected existing or new body of water; there will be no significant adverse impact to existing air quality from the Action; there will be no substantial adverse environmental impacts to plants and animals from the Action; the Action will not cause a significant adverse effect on aesthetic resources in the area; the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance; the Action will not adversely impact open space or recreation; the Action will not entail any adverse impact on transportation; there will be no adverse impact from the Action on the growth and character of the community or neighborhood; and the Action will have none of the adverse, significant environmental impacts referred to in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and the implementing regulations found at 6 N.Y.C.R.R. Part 61, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the conveyance of the Property to the Purchaser for a purchase price of Seventy-five Thousand Dollars (\$75,000.00); and be it further

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

Signed: Hemmer, Scudder, Gould, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Borrello

Unanimously Adopted –R/C Vote: 19 Yes - September 27, 2017

RES. NO. 230-17

Approving SEQRA Findings in Relation to the Modification of the Map and Plan for the North Chautauqua County Water District

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 222-17 calling a public hearing for the purpose of considering a modification to the Map and Plan for the North Chautauqua County Water District (“the 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 September 27 at 6:45 o’clock PM, prevailing time; and

WHEREAS, the County Legislature has received from the District Board a modified Map and Plan entitled “North Chautauqua County Regional Water System Map and Plan” dated May 2015, with Amendment #1 to Section 7.0 dated August 2017 (hereinafter referred to as the “Map and Plan”) prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, as well as the testimony and other information received by it at the public hearing and otherwise; and

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WHEREAS, the County Legislature has determined the proposed modified 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, as amended by Addendum No. 1 to the FEAF, and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the FEAF and Addendum No. 1 thereto, 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, Scudder, Gould, Borrello, Starks, Chagnon, Niebel, Odell

Unanimously Adopted – September 27, 2017

RES. NO. 231-17

Determining that it is in the Public Interest to Modify the Map and Plan for the North Chautauqua County Water District

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

WHEREAS, pursuant to Resolutions 260-15, 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, subsequent to the adoption of Resolutions 260-15, 39-16 and 81-16, the District has found it necessary to modify the initial capital improvements due to changes in the structure of the financial assistance to be received from New York State's funding agencies, and changes in the timing of projects to be completed under this initial "Phase 1" of the District's development; and

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WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature received from the District Board a modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015, with Amendment #1 to Section 7.0 dated August 2017 (hereinafter referred to as the "Map and Plan") prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York; and with the request by the District Board that this Legislature call a public hearing thereon pursuant to New York County Law § 253-b and § 254; and

WHEREAS, the said modifications to the Map and Plan consist of: (1) the addition to the project of the installation of master meters for all water supplied by the City of Dunkirk to the District; (2) the addition to the project of the installation of 12,000 linear feet of new water main along NYS Route 5 from Eagle Bay to the Village of Silver Creek; (3) a change in the linear feet to be replaced in the Village of Brocton Transmission supply main – increased from 4500 feet to 8700 feet; (4) a change in the linear feet of a new water main to be installed along NYS Route 5 from the Town of Dunkirk to Harrington Road – increased from 2,000 feet to 3,200 feet; (5) the elimination of the replacement of existing water main along Willowbrook Avenue and Central Avenue and a new booster pump station, which may be moved to a future phase of District improvements should the Village of Fredonia choose to participate; (6) the designation of the Town of Pomfret Water Main and the Dunkirk Water Storage tank project as alternatives to be included if funding permits; (7) via financing obtained through the New York State Environmental Facilities Corporation (NYSEFC), the Village of Brocton will construct and own the portions of the project known as the Village of Brocton Transmission and the West Side Transmission Main; and (8) upon completion of construction, the District shall operate and maintain the said Village of Brocton Transmission and the West Side Transmission Main, and shall pay the Village of Brocton the amount of the annual debt service on the improvements with the District to assume ownership of the improvements after the NYSEFC loans are paid; and

WHEREAS, the estimated maximum cost of the improvements as modified would increase from \$11,750,000 to \$15,068,000, but due to an increase in grants, contributions, and subsidized financing, the estimated annual District debt service of \$292,500 is approximately the same as the original estimated annual debt service amount of \$292,030, with all District costs 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, and the estimated cost to the typical property from assessments or other charges to be made by the proposed District upon such properties to remain at zero; and

WHEREAS, pursuant to Resolution 222-17, 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 September 27, 2017 at 6:45 o'clock P.M. on the question of the adoption of the modified Map and Plan that includes the aforementioned changes to the improvements, and to take such action thereon as is required or authorized by law; 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 modified Map and Plan entitled "North Chautauqua County Regional Water System Map and Plan" dated May 2015, with Amendment #1 to Section 7.0 dated August 2017 (hereinafter referred to as the "Map and Plan"), prepared by Clark Patterson Lee, an engineer duly licensed by the State of New York, and the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct the improvements as modified for the North Chautauqua County Water District as described in the preambles hereof at a maximum cost of Fifteen Million Sixty-Eight Thousand Dollars (\$15,068,000), which includes all amounts anticipated to be required to be expended in connection with the construction and financing of such improvements.

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Signed: Hemmer, Scudder, Gould, Borrello, Starks, Chagnon, Niebel, Odell

Unanimously Adopted – September 27, 2017

RES. NO. 232-17

Authorize Public Hearing on Increasing Income Limits for Partial Real Property Tax Exemption for Seniors

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

WHEREAS, pursuant to Resolution 228-07, Chautauqua County has offered a partial real property tax exemption since 2012 to senior citizen homeowners whose incomes do not exceed \$20,000.00; and

WHEREAS, this \$20,000.00 income limit has not been modified since 2012 and as a result, several senior citizens who were once eligible for the exemptions are no longer eligible for this important tax reduction; and

WHEREAS, it is proposed that the income limits be increased to \$22,000.00 effective as of the next taxable status date (March 1, 2018); and

WHEREAS, it is necessary that a public hearing be held before the County Legislature adopts a resolution increasing the income limits for persons applying for the exemption; now therefore be it

RESOLVED, That pursuant to Section 467 of the New York Real Property Tax Law, a public hearing shall be held on the proposed increases in the income limits for the senior citizen real property tax exemption on October 25, 2017 at 2:05 PM in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757; and it is further

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

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – September 27, 2017

RES. NO. 233-17

Authorize Contracts Between Chautauqua County and Various Governmental Purchasing Alliances and Alliance Participants

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 the United States of America or an agency thereof, or by any state or any other political subdivision or district therein, if such contracts were let in accordance with New York State Requirements; and

REGULAR SESSIONS

WHEREAS, advantageous contracts which have been let by governmental entities are sometimes available exclusively through purchasing alliance groups; and

WHEREAS, some purchasing alliance groups, as a condition of use of alliance contracts, require entry into a contract with either the alliance itself or with the other alliance participants, some of which are governmental entities; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with governmental purchasing alliances and with governmental purchasing alliance members, for so long as the County is authorized by New York State law to make purchases through the use of contracts let by other governmental entities.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

Unanimously Adopted – September 27, 2017

RES. NO. 234-17
Authorize Sale of Sheldon House Property at JCC

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

WHEREAS, pursuant to Article 126 of New York State Education Law, the County of Chautauqua is one of three municipal sponsors along with the City of Jamestown and County of Cattaraugus that constitute a "community college region" which acts as the local sponsor of Jamestown Community College (JCC); and

WHEREAS, JCC currently owns property located at 7 Falconer Street in the City of Jamestown known as the "Sheldon House," which was donated to JCC in 1977 and was utilized for programs and events of both JCC and the community; and

WHEREAS, pursuant to Resolution No. 144-16 of the Chautauqua County Legislature, and resolutions adopted May 17, 2016, and June 22, 2016, respectively, by the JCC Board of Trustees and the SUNY Board of Trustees, it was previously determined that the Sheldon House property is no longer useful or required for community college purposes by JCC; and

WHEREAS, the sale of the property provides the opportunity to reduce operating costs of JCC ; now therefore be it

RESOLVED, That pursuant to 8 NYCRR § 603.5(d), the Chautauqua County Legislature authorizes JCC to effectuate the sale of the Sheldon House property and a portion of its contents to Edward Signorile, at a sales price of \$240,000.00, not including closing and other related costs.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Borrello, Gould

Unanimously Adopted – September 27, 2017

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RES. NO. 235-17

Amend 2017 Budget for the Medical Examiners & Coroners and Clerk, Legislative Board

By Administrative Services, Public Safety and Audit & Control Committees:
At the Request of Chairman Himelein:

WHEREAS, the Medical Examiners & Coroners Department has experienced increased costs associated with an increase in the number and cost of autopsies and medical tests and supplies; and

WHEREAS, funds are available from the Clerk, Legislative Board 2017 budget for personnel and employee benefits due to an unfilled Senior Stenographer position; and

WHEREAS, the expenditures for Medical and Health Services for the Medical Examiners & Coroners Department are expected to exceed the 2017 budgeted amount; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1185.----.4	Contractual --Med Examiners & Coroners	\$40,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services--Clerk, Legislative Board	\$20,000
A.1040.----.8	Employee Benefits--Clerk, Legislative Board	<u>\$20,000</u>
	Total	\$40,000

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Wendel, Bankoski, Niebel, Chagnon, Borrello, Gould

Unanimously Adopted – September 27, 2017

RES. NO. 236-17

Authorize Acceptance of 2017 Crimes Against Revenue Program ("CARP") Funds

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

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$85,000.00 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program ("CARP") for the period of January 1, 2017 through December 31, 2017; and

WHEREAS, such funds are to be utilized to develop and implement effective enforcement strategy ("strategic plan") in collaboration with the State Department of Taxation and Finance ("DTF") and other governmental agencies as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; and

WHEREAS, these funds are already included in the 2017 Budget; therefore be it

REGULAR SESSIONS

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to detect, investigate, prosecute and deter revenue crime; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Wendel, Bankoski, Whitford, Niebel, Chagnon, Muldowney, Borrello, Gould

Unanimously Adopted – September 27, 2017

RES. NO. 237-17

State Homeland Security Program for Fiscal Year 2017

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

WHEREAS, Chautauqua County was awarded funds of \$199,942 from the State Homeland Security Program (SHSP) with \$149,956 allocated to Emergency Services and \$49,986 allocated to the Sheriff's Office for law enforcement terrorism prevention activities; and

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

WHEREAS, the grant period runs from September 1, 2017 through August 31, 2019, and as may be extended; and

WHEREAS, upon acceptance of the 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, Bankoski, Whitford, Niebel, Chagnon, Muldowney, Borrello, Gould

Unanimously Adopted – September 27, 2017

RES. NO. 238-17

NYS Executive Law 13-A Classification/ATI Program Grant

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

WHEREAS, Chautauqua County has been awarded funds from the New York State Division of Criminal Justice Services, NYS Executive Law 13-A Classification/ATI Program, with an award of \$14,855.00 effective July 1, 2017 to June 30, 2018; and

JOURNAL OF PROCEEDINGS

WHEREAS, the New York State Division of Criminal Justice Services has approved Chautauqua County's Alternatives to Incarceration Service Plan for this program, and as a result Chautauqua County remains authorized to use a reduced housing classification for inmates in the Chautauqua County Jail; and

WHEREAS, the grant funds will be used to provide the Jamestown City Courts with additional information and assessment results on pre-trial defendants in an effort to increase public safety while reducing any unnecessary incarcerations; and

WHEREAS, some of the grant funds have been included in the 2018 budget; now therefore be it

RESOLVED, That the County of Chautauqua accept the aforementioned grant and the County Executive be and hereby is authorized to execute the NYS Executive Law 13-A Classification/ATI Program grant contract with the New York State Division of Criminal Justice Services for the current term and any subsequent renewal terms; and be it further

RESOLVED, That the Director of Finance is hereby authorized to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3140.1 Personal Services--Probation	\$6,238
A.3140.8 Employee Benefits --Probation	<u>\$1,190</u>
Total	<u>\$7,428</u>

INCREASE REVENUE ACCOUNT:

A.3140 .R331.0ATI	NYS Aid--NYS Aid: Probation ATI Pre-Trial	\$7,428
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Signed: Wendel, Bankoski, Whitford, Niebel, Chagnon, Muldowney, Borrello, Gould

Unanimously Adopted – September 27, 2017

RES. NO. 239-17

Authorize Agreement with Pine Valley Central School District for Purchase of Fuel for Sheriff's Office

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

WHEREAS, the Sheriff has determined that utilization of the fuel depot of the Pine Valley Central School District would increase cost efficiency and accountability for the Sheriff's Office; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Pine Valley Central School District for the purchase of fuel for agency vehicles at current New York State bid prices and without payment of usage or service fees; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Pine Valley Central School District for the purpose of purchasing fuel for Sheriff's Office vehicles.

Signed: Wendel, Bankoski, Whitford, Niebel, Chagnon, Muldowney, Borrello, Gould

Unanimously Adopted – September 27, 2017

REGULAR SESSIONS

RES. NO. 240-17

Authorize County Executive to Enter into Municipal Agreement with the Energy Improvement Corporation ("EIC") for Sustainable Energy Loan Program of Chautauqua County

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

WHEREAS, it is the policy of Chautauqua County to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy; and

WHEREAS, the County Legislature finds that it can fulfill this policy by providing clean energy financing to property owners for the installation of renewal energy systems and energy efficiency measures; and

WHEREAS, the County Legislature passed Local Law 7-17 titled "A Local Law Establishing a Sustainable Energy Loan Program in the County of Chautauqua"; and

WHEREAS, Local Law 7-17 established a Sustainable Energy Loan Program whereby the Energy Improvement Corporation ("EIC"), acting on the County's behalf, may provide funds to qualified property owners; and

WHEREAS, in order for the EIC to act on the County's behalf, the County must enter into a municipal agreement with EIC; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into any and all agreements with the Energy Improvement Corporation, and its successors, to implement and amend, as necessary, a Sustainable Energy Loan Program in Chautauqua County.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – September 27, 2017

RES. NO. 241-17

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2018 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 David Himelein:

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

JOURNAL OF PROCEEDINGS

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 2018 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 25, 2017 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 2018 salary of each Legislator shall be no more than \$9,000, that the Chairman of the Legislature shall be paid no more than \$8,000 in addition to his Legislator's salary and that the following positions be additionally compensated no more than the amounts indicated nor for more than one of the positions listed, over and above the basic Legislator's salary.

Majority Leader	\$1000.00
Minority Leader	\$1000.00
(1) Assistant Majority Leader	\$ 500.00
(1) Assistant Minority Leader	\$ 500.00
Each Committee Chairman	\$1000.00
Ranking Members	\$ 250.00

Signed: Himelein, Chagnon, Muldowney, Borrello, Gould

Unanimously Adopted – September 27, 2017

RES. NO. 242-17

Denial of Level 3 Communications, LLC Applications for Corrected Tax Rolls Form RP 554 and Applications for Refunds/Credits of Real Property Taxes Form RP 556 for the 2013, 2014, 2015, 2016, and 2017 Tax Years

By Administrative Services and Audit & Control Committees:
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 corrected tax rolls and refund/credit of real property taxes pursuant to Real Property Tax Law Section 556 for the 2013, 2014, 2015, 2016, and 2017 tax years, and

WHEREAS, the applications seek retroactive tax refunds from the County and multiple municipalities and school districts throughout Chautauqua County, and

WHEREAS, the County guarantees the tax levies of all municipalities and school districts in the County, and

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

REGULAR SESSIONS

WHEREAS, the Chautauqua County Real Property Tax Director has transmitted written reports of such investigation and his recommendations for action thereon, and

WHEREAS, the Chautauqua County Real Property Tax Director has determined that all of 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:

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 cables meet the definition of real property and constitute lines and wires pursuant to Real Property Tax Law Section 102(12)(i) and are taxable under that section. *T-Mobile v. DeBellis and City of Mount Vernon, 143 A.D.2d 992 (2nd Dept., 2016)*;
 - C. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102 (12)(b) of the Real Property Tax Law;
 - D. The fiber optic cables constitute property for the distribution of light and are taxable real property pursuant to Real Property Tax Law 102 (12) (f);
 - E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;
 - F. Real Property Tax Law Section 102 (12) 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 (12) supports the position that fiber optic cable constitutes taxable real property and is 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 Level 3 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 "outside plant" 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. Moreover, in the second RCN Decision rendered by the Appellate Division, Fourth Department, the Court expressly confirmed that telecommunications equipment is subject to real property taxation according to generally applicable provisions of the Real Property Tax Law.
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 City and Town tax assessors have also analyzed Level 3's

JOURNAL OF PROCEEDINGS

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 submit proof of payment under protest. The voluntary payment doctrine bars Level 3 from recovery of taxes paid without protest. See *Level 3 Communications, LLC v. Chautauqua County*, (Slip. Op. March 24, 2017); *Level 3 Communications, LLC v. Clinton County*, 144 A.D.3d 115 (3rd Dept., 2016). Level 3's argument that Real Property Tax Law Section 556 allows tax recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. See also *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. See *Level 3 Communications, LLC v. Essex County*, *supra*.

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. No tax grievances or Article 7 proceedings have been filed by Level 3. 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 County, 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 and hearsay 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 based upon personal knowledge from any engineer, expert, person, or employee with respect to the cable lines in question.
and

WHEREAS, Chautauqua County has carefully considered and fully agrees with the investigation and recommendations of the Chautauqua County Tax Director; it is hereby

RESOLVED, That all of the Applications for Corrected Tax Rolls Form 554 and the Applications For Refunds/Credits of Real Property Taxes Form 556 filed with the County, the City of Dunkirk, the Towns of Dunkirk, Portland, Ripley, and Westfield, the Villages of Brocton and Westfield, and the Brocton, Dunkirk, Fredonia, Ripley, and Westfield School Districts for the 2013, 2014, 2015, 2016, and 2017 tax years are hereby denied in their entirety for the reasons set forth above.

Signed: Scudder, Vanstrom, Whitford, Starks, Gould, Chagnon, Muldowney, Borrello

REGULAR SESSIONS

Unanimously Adopted – September 27, 2017

RES. NO. 243-17
Quit Claim Deeds

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

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

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. 110-17; now therefore be it

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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
QC-31-2016	City of Dunkirk	060300-96.10-4-16	David & Kathleen Campola	\$ 500.00	\$ 19,410.27
QC-32-2016	City of Dunkirk	060300-96.15-1-18	William & Cynthia Wlodarek	\$ 1,000.00	\$ 1,119.26
				\$ 1,500.00	\$ 20,529.53

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Borrello, Gould

Unanimously Adopted – R/C Vote: 19 Yes - September 27, 2017

2nd Privilege of the Floor

Barbara Nellis, 5284 Van Buren Road. The water thing just kind of came and went and what I'm looking for is the map that they are using. They talk about a map and a plan in the flyer that we were sent. I have never seen it. I don't know what is included. Everything is going east. Well, I live west and I don't see anything in there other than everything is going east of Dunkirk and nothing that is going west. I don't know if Rt. 5 out to Van Buren is being updated, replaced, because it's a one and a half or two inch line. It's not supposed to be one and a half and is it going that extra few feet up Van Buren? I don't see that anywhere. I can't find the information and don't know who to talk to. So, I'd really appreciate your help in finding out how I can get the rest of the information. Thank you.

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Emily Reynolds from Cornell Cooperative Extension. I live in Sherman, New York. I just wanted to publically thank all of you for the continued support at Cooperative Extension, for recognizing National 4-H Week right here in Chautauqua County and for County Executive Horrigan for helping us face our changes coming forward including us in the budget with an increase and I hope that you will continue to do that as you look over your budget materials. I just want to remind you that I am always available if you have any questions and thank you for that continued support.

Chairman Himelein: Any other comments?

MOVED by Legislator Gould, SECONDED by Bankoski and duly carried the meeting adjourned. (7:48 p.m.)

REGULAR SESSIONS

Regular & Budget Meeting
Chautauqua County Legislature
Wednesday, October 25, 2017, 2:00 p.m. & 6:30 p.m.
Mayville, N.Y. 14757

Chairman Himelein called the meeting to order at 2:00 p.m.

Clerk Tampio called the roll and announce a quorum present. (2:00 p.m. Absent: Rankin)

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (9/27/17)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 9/27/17

PUBLIC HEARINGS:

2:05 PM

PUBLIC HEARING ON INCREASING
INCOME LIMITS FOR PARTIAL REAL
PROPERTY TAX EXEMPTION FOR SENIORS

Chairman Himelein: We will now open the public hearing. (2:09 p.m.) Is there anyone here to speak? Seeing none, we'll close the public hearing. (2:10 p.m.)

2018 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Chairman Himelein: We will now open the public hearing. (2:10 p.m.) Is there anyone here to speak? Seeing none, we'll close the public hearing. (2:11 p.m.)

COMMUNICATIONS:

1. Proof of Publications (3) Re: Senior Citizen Tax Exemption Limit Increase; 2018 Tentative Budget; Extension of the South & Center Chaut. Lake Sewer Districts
2. Report – Finance Director Crow –Investment Report – August/2017
3. Letter - County Executive – Re: Appmt.-Sports Fishery Advisory Bd.
4. Resolution – South & Center Chaut. Lake Sewer District – Re: Recommending West Side Extension of SCCLSD
5. Minutes – Chaut. County Soil & Water Conservation District – 9/2017
6. Letter – NYS Dept. of Financial Servs. – Re: Vacant/Abandoned Properties
7. Letter – NYS Dept. of Public Services – Re: National Grid Substation in Town of Harmony
8. Quarterly Reports – Small Business Development Center – 4/1/17-6/30/17
9. Letter – LaBella Assoc. D.P.C. – Re: Public Notice –Brownfield Cleanup Program Application & Final Investigation Report– Former Edgewood Warehouse Site – Dunkirk, NY

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10. Letter – Chemung County Legislature – Re: Completion of I86 through Tioga, Broome, Delaware, Sullivan and Orange Counties
 11. Letter – D.A. – Re: Succession of A.D.A.'s. in Event of D.A.'s Absence or Inability to Perform His Duties
 12. Letter – David W. Groth/Hamlet of Stow – Concerns w/ Sewer Extension
 13. Report – 2016 – Department of Health and Human Services
-

MOTION:

8-17 Increase State Support for Cornell Cooperative Extension County Associations in the State of New York – *Unanimously Adopted*

RES. NO. 245-17

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.

Frank Schoenacker
5146 Lakeview Ave.
Ashville, N.Y. 14710
Term Expires: 12/31/18

Signed: Chagnon, Odell, Starks, Niebel

Unanimously Adopted – October 25, 2017

RES. NO. 246-17

Authorize Agreement for Interim FBO Services at the Dunkirk Airport

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

WHEREAS, the County owns and operates the Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services at the Dunkirk Airport for the general use of the public and to enhance current and future economic development in the County, and

WHEREAS, the Chautauqua Region Economic Development Corporation (CREDC) is a not-for-profit local development corporation incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law, and is operated for the charitable and public purposes of aiding and promoting the economic development of Chautauqua County, and lessening the burdens of government; and

REGULAR SESSIONS

WHEREAS, it would be advantageous for CREDC to provide fixed base operator services for the County at the Dunkirk Airport on an interim basis to allow the County to undertake an RFP process to determine the long-term structure and operator for the delivery of FBO services at the Dunkirk Airport; now therefore be it

RESOLVED, That the County Executive is authorized to enter into an agreement with CREDC to provide fixed base operator services for the County at the Dunkirk Airport on an interim basis, as follows:

1. Term. November 1, 2017 – July 31, 2018.
2. Payment. CREDC shall pay the County on a quarterly basis the net profits from its FBO operations after payment of all of its reasonable expenses in operating FBO services. In the event that CREDC has a net loss for any quarter, the County shall reimburse CREDC for the applicable deficit in the payment of its reasonable expenses for the quarter.
3. Other. As negotiated by the County Executive.

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

Adopted w/ Legislator Scudder voting “no” – October 25, 2017

RES. NO. 247-17

Increasing Income Limits for Partial Real Property Tax Exemption for Seniors

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

WHEREAS, pursuant to Resolution 228-07, Chautauqua County has offered a partial real property tax exemption since 2012 to senior citizen homeowners whose incomes do not exceed \$20,000.00; and

WHEREAS, this \$20,000.00 income limit has not been modified since 2012 and as a result, several senior citizens who were once eligible for the exemptions are no longer eligible for this important tax reduction; and

WHEREAS, it is proposed that the income limits be increased to \$22,000.00 effective as of the next taxable status date (March 1, 2018); and

WHEREAS, a public hearing has been held before the County Legislature regarding increasing the income limits for persons applying for the exemption as stated herein; now therefore be it

RESOLVED, That effective as of the next taxable status date (March 1, 2018), the County of Chautauqua does hereby increase the income eligibility limit to \$22,000.00 for partial real property tax exemption for senior citizens pursuant to Section 467 of the New York Real Property Tax Law.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Lemon, Wilfong, Pavlock, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – October 25, 2017

JOURNAL OF PROCEEDINGS

RES. NO. 248-17
Emergency Management Performance Grant for Fiscal Year 2017

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

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 \$110,406.00 with a fifty percent (50%) in kind match from the County in the amount of \$55,203.00; 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, 2016 through September 30, 2018, or as may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the adopted 2017 County budget; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 249-17
Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

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

WHEREAS, Chautauqua County and its regional partnership were awarded funds of \$15,516.00 under the FY 2017 Hazardous Material Emergency Preparedness (HMEP) Grant Program, funded by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

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

WHEREAS, the grant period runs from October 1, 2017 through September 30, 2018, and as may be extended; 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.

REGULAR SESSIONS

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 250-17

Authorize Agreement with Village of Brocton for Enhanced Police Protection Services

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

WHEREAS, the Village of Brocton has requested that the Chautauqua County Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2018 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$21,000.00, based on a regular hourly rate of at least \$39.58 and a holiday hourly rate of at least \$49.79; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 251-17

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Protection Services

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

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$39.58; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

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Unanimously Adopted – October 25, 2017

RES. NO. 252-17

Authorize Agreement with Town of Ripley for Enhanced Police Protection Services

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

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographic boundaries of the Township during the 2018 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2018 through December 31, 2018 for an estimated cost not to exceed \$32,000.00 based on an hourly rate of at least \$39.58 and a holiday hourly rate of at least \$49.79; 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 protection services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 253-17

Authorize Agreement with the Village of Silver Creek for Enhanced Police Protection Services

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

WHEREAS, the Village of Silver Creek and the Town of Hanover have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2018 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Village of Silver Creek and the Town of Hanover for the period from January 1, 2018 through December 31, 2018 for an estimated cost not to exceed \$578,460; and

WHEREAS, expenditures associated with this agreement are included in the 2018 tentative budget; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

REGULAR SESSIONS

Unanimously Adopted – October 25, 2017

RES. NO. 254-17
Authorize Agreement with Town of Ellery for Court Security DetailBy Public Safety and Audit & Control Committees:
At the Request of County Executive Vincent W. Horrigan:

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$2,500.00, based on an hourly rate of at least \$29.49; 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 account A.1162.1110.R226.000.

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 255-17
Authorize Agreement with Town of Kiantone for Court Security DetailBy Public Safety and Audit & Control Committees:
At the Request of County Executive Vincent W. Horrigan:

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of at least \$29.49; 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 account A.1162.1110.R226.000.

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

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RES. NO. 256-17

Authorize Agreement with Town of North Harmony for Court Security Detail

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

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$7,000.00 based on an hourly rate of at least \$29.49; 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 account A.1162.1110.R226.000.

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 257-17

Authorize Agreement with Town of Mina for Court Security Detail

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

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$29.49; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 258-17

Authorize Agreement with Town of Stockton for Court Security Detail

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

REGULAR SESSIONS

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Stockton for the period of January 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$29.49; now therefore be it

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

Signed: Wendel, Bankoski, Pavlock, Whitford, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 259-17

Authorize Amendments to Lease Agreement with the Chautauqua Center, Inc. (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, Resolutions 126-15 and 126-16 authorized the County Executive to enter into a lease agreement with TCC including specified terms and conditions; and

WHEREAS, TCC has requested additional lease time at the SCOB building due to an anticipated delay in availability of its permanent space; and

WHEREAS, the County is able to accommodate TCC's need to use the space for an additional time period; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease amendment to the TCC lease agreement, to be effective January 1, 2018, on substantially the following terms and conditions:

1. Premises. Leased space 4,558 square feet (same as current lease).
2. Term. Lease expiration extended from December 31, 2017 to December 31, 2018, as needed until TCC acquires permanent space.
3. Rent. \$7,000/month (same as current lease)
4. Other. As negotiated by the County Executive.

Signed: Lemon, Wilfong, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 260-17

Amend 2017 Budget for Emergency Aid for Adults

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

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WHEREAS, 2017 contractual expenditures for Emergency Aid for Adults are now projected to be in excess of the budgeted amount; and

WHEREAS, 2017 contractual expenditures for Medicaid are now projected to be lower than the budgeted amount; and

WHEREAS, Emergency Aid for Adults costs are funded at 50% by the State of New York; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6142.----.4	Contractual-Emergency Aid for Adults	\$40,000
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DECREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual-Medicaid	\$20,000
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INCREASE REVENUE ACCOUNT:

A.6142.R364.2000	NYS Aid – Emergency Aid for Adults	\$20,000
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Signed: Lemon, Wilfong, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 261-17

Amend 2017 Budget for New York State OCFS Custody Invoices

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

WHEREAS, 2017 contractual expenditures for State Training School are now projected to be in excess of the budgeted amount; and

WHEREAS, 2017 contractual expenditures for Safety Net are now projected to be lower than the budgeted amount; and

WHEREAS, Safety Net costs are funded at 1% by Federal funding and 28% by the State of New York; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6129.----.4	Contractual-State Training School	\$372,350
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DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual-Safety Net	\$524,440
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DECREASE REVENUE ACCOUNTS:

A.6140.R364.0000	State Aid – Safety Net	\$146,845
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A.6140.R464.0000 Federal Aid – Safety Net		<u>\$ 5,245</u>
	Total	\$152,090

Signed: Lemon, Wilfong, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – October 25, 2017

RES. NO. 262-17
Close and Adjust Capital Projects

By Public Facilities, Public Safety, Human Services, Planning & Economic Development, and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the following capital projects have been completed and can be closed

H.2490.00863	Community College Tuition—Manufacturing Tech Renova (2012)
H.3410.14967	Basic Fire Academy—Burn Bldg Reconst—TCC (2016)
H.6010.31969	Social Services Admin—Ctl Intake Space SCOB Reno (2016)
H.1620.25925	Buildings & Grounds--GOB Water Treatment (2014)
H.1620.534	Buildings & Grounds--ADA Compliance (1994, 2009)
H.5130.25811	Road Machinery--Mobile Data Collect Syst (2010)
H.5130.25904	Road Machinery--Sheridan Shop HVAC Upgrade (2016)
H.5130.25952	Road Machinery--Sheridan Shop Masonry Rest (2016)
H.5610.25971	Chautauqua County Airport—Replace Front Mower—Jmst (2017)
H.5630.25943	Bus Operations—CARTS Flooring Repl (2016)
H.6420.673	Promotion of Industry—Edgewood Warehouse (2007)
H.4010.32927	Public Health Admin—HRC 4 th Floor Secure Door (2014)
H.7110.656	Parks—Erlandson Park Phase II (2007)

; and

WHEREAS, closure of the capital projects listed above will return approximately \$148,000 \$114,000 to the Reserve for Capital; and

WHEREAS, the scope of capital project H.2490.550 Community College Tuition—JCC Capital (1996) has changed and so an estimated surplus of \$1,040,000 will be returned to the reserve for capital when the project is closed; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital; 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 Balance—Reserve for Capital \$100,189

; and be it further

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RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers—Transfer to Capital	\$100,189
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INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.2490.00981.4	Contractual-- Community College Tuition— JCC Critical Maintenance (2017)	\$ 40,000
H.1620.25821.4	Contractual—Buildings & Grounds— Mvl Prkg Lot Reconstruct (2010)	\$ 39,642
H.7110.25828.4	Contractual – Parks--Luensman Park Rest Rooms (2014)	\$ <u>20,547</u>
	Total	\$100,189

INCREASE CAPITAL REVENUE ACCOUNTS:

H.1620.25821.R503.1000	Interfund Transfer – Interfund Transfer	\$ 39,642
H.7110.25828.R503.1000	Interfund Transfer – Interfund Transfer	\$ <u>20,547</u>
	Total	\$ 60,189

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.2490.00981.R503.1000	Interfund Transfer – Interfund Transfer	\$ 40,000
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Signed: Niebel, Odell, Lemon, Chagnon, Borrello, Wilfong, Bankoski, Wendel, Starks, Hemmer, Nazzaro, Scudder, Muldowney, Wilfong, Pavlock, Gould

MOVED by Legislator Hemmer, SECONDED by Legislator Chagnon, to delete under the 1st WHEREAS, H.5130.25811 Road Machinery—Mobile Data Collect Syst. (2010) (indicated by strikethrough) and under the 2nd WHEREAS, change the \$148,000 figure to \$114,000. (new number in italics) – *Unanimously Carried*

Unanimously Adopted as amended – October 25, 2017

RES. NO. 263-17
Quit Claim Deeds

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

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. 110-17; 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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-90-2017	City of Jamestown	060800-387.12-2-73	Rick A Martin	\$ 500.00	\$ 11,250.07
PA-106-2017	City of Jamestown	060800-387.15-2-34	Robert A Hogg	\$ 6,505.00	\$ 9,261.61
*PA-257-2017	North Harmony	065400-349.00-2-41	Wayne A LaCross	\$ 10,500.00	\$ 12,243.29
					\$ 32,754.97
* Denotes Multiple Offers					

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 1 Abstention (Gould); 1 Absent – October 25, 2017

MOVED by Legislator Gould, SECONDED by Legislator Starks to recess – *Unanimously Carried*
(2:35 p.m.)

(Legislature recess until 6:30 p.m.)

6:30 P.M.

RECONVENE LEGISLATURE MEETING

CALL TO ORDER
(Called to order at 6:37 p.m.)
ROLL CALL
(All present)

COMMENDATION:

JULIUS LEONE
RETIRING EMERGENCY
MANAGEMENT DIRECTOR
By
County Executive Vincent W. Horrigan
&
Chairman David Himelein

PUBLIC HEARINGS:

6:45 P.M.

PURSUANT TO COUNTY LAW §254 UPON A
PROPOSAL TO EXTEND THE SOUTH & CENTER
CHAUTAUQUA LAKE SEWER DISTRICTS THROUGH
THE HAMLET OF STOW FOR THE WEST SIDE OF
CHAUTAUQUA LAKE

Chairman Himelein: We will now open up the public hearing. (6:52 p.m.) At this time I'm going to ask the Engineering firm of O'Brien and Gere, Mike and Jenelle, to explain a little bit about

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this project and if you would, if there is a question just give me a five and I'll pass it onto you to answer it.

Good evening, my name is Mike Manning and with me is Jenelle Geoghegan. I'm a Project Manager and Jenelle is the Senior Project Engineer on this effort. We are with O'Brien and Gere Engineers and thank you again for allowing us to present the sewer district extension project to extend public sewers along the west side of Chautauqua Lake. The extension will go through the Hamlet of Stow for this phase. The sewer district extension is the next step to allowing a project to be completed, as well as to optimize the funding opportunities available to the community. This project will provide public sanitary sewers to approximately 340 occupied parcels along Chautauqua Lake and will serve the unoccupied lots in the area should they be developed. The Chautauqua County Department of Health estimates that 50% of the septic tanks they have inspected, do not pass standards and require upgrades. Failing septic systems near the lake play a detrimental role in the health of Chautauqua Lake, the ground water, the community, especially those who use the lake as a public drinking water source and the economic drive that brings revenue to the County. The long-term goal is to extend public sewers to all parcels inside the route 394./430 beltway and this project is the first step to completing this goal. Flows generated from this project will be conveyed to the existing South & Center Chautauqua Lake Sewer Districts wastewater treatment plant in Celoron for treatment. This facility currently has capacity to accept and treat the additional flows without any additional upgrade to the existing facility.

Ms. Geoghegan: This portion of the project is estimated to cost \$16,888,000 which is above the affordable limit for homeowners in this area to bear. The County has already obtained an interest free financing loan offer for the entire portion of this project and they are diligently working to find grant assistance to bring the cost of this project to an affordable level for the rate payers. One non-negotiable requirement for some of the grant applications is to complete the sewer district or have the sewer district extension completed. The creation of the sewer district in a timely manner will allow the County to submit additional grant applications in the Spring of 2018. If the County is not able to obtain the funding required to create affordable fees to the homeowners, the project won't move forward and none of the homeowners of the vacant or occupied parcels will be billed. Taking this step shows the grant agencies that this area is ready and willing to move forward with the project to improve the community and Chautauqua Lake. The County is proposing the project move forward if user fees are \$250 per quarter, per single family household, or less. This is the level of affordability for our area as indicated by the New York State Comptroller. When compared to other utilities, these proposed rates demonstrate significant value for the services provided. Please join us in supporting the County and moving this project forward to improve Chautauqua Lake. Thank you.

Chairman Himelein: We will continue with the public hearing? Are there any questions or comments? Please step to the mic and give your name and address.

My name is Rolland Kidder and I live at 3656 Rt. 394, Ashville. We have a large County, as you know, about the size of the State of Rhode Island. Nestled in the middle of that area we have a gem, a lake, about the size of Manhattan. The lake is officially owned by the State of New York but it has no direct elected representatives. So the lake must plead it's case to governments which impinge upon it, the government of the United States, government of Albany, the townships that boarder the lake, Towns of Chautauqua, Busti, Ellery, Ellicott, and North Harmony, and yes, you the County of Chautauqua. Of the approximately \$60 million dollars in local property taxes collected by this County, about \$27 million comes from the five townships I just mentioned and I would estimate that probably half of that or \$13 million could be attributed to directly to the lake. So this gem, not directly represented by anybody, nestled in Chautauqua County is producing about \$13 million dollars a year for your budget. Your vote tonight will have a direct impact on its health and its ability to continue contributing to the property tax levy. A healthy lake, a sewered lake, will grow in value and help

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produce even more revenue for the County. You have tonight before you a resolution allowing the extension of the sewer district as far as Stow, from about BOCES up to Stow. Our family lives a mile or two north and west of Stow so we probably won't be the beneficiaries of this extension. But we're hoping that we might be a beneficiary of an extension of the extension at some point and time. It is in our interest and interest of everyone living on the lake that this extension be built. I believe that most lake residents would prefer connecting to a sewer. Septic systems are not designed to remove phosphorus from the waste stream and the only way to remove phosphorus from sewage is to send it to a treatment plant designed for that purpose. We are a long way from the 1980's unfortunately when the first modern sewer serving the lake were built. Back then the Federal government paid about 50% of the cost, the State 25% and the locals only had to come up with 25%. New plants were built in Celoron and Mayville under the system and collection systems were built to serve the Bemus Point area and the area around Mayville. We have no commitment today from Washington for money, the State government did step forward in 2015 and passed legislation which will help us construct these sewers. Just a case and point, the Mayville plant just recently got about \$900,000 for improvements there and the Town of Chautauqua, as I understand, they got about the same amount to take the inadequacies of sewage treatment plant down at Chautauqua Lake Estates and move that sewage by pipeline to Mayville. So, if we pass this resolution tonight, you are going to enable the South & Center Sewer District to make similar applications. In the event that Federal funds do become available, the District would be able to apply for those. These sources of revenue will reduce the local share of the project, make it more affordable and will allow the lake to connect to a sewer a system that encompass the whole lake. Chautauqua Lake needs to be preserved as a healthy lake for future generations. I urge you to support the resolution before you. Thank you.

My name is Sally Carlson. I live at Stow and Supervisor for the Town of North Harmony. I am enthusiastically support the creation of this District. It may not be the silver bullet for the lake but it certainly will help. Thank you.

My name is Anthony Toda and I live 144 Clifton Avenue in Jamestown. I just have a few questions. Once this project is completed, what percentage of the lake will still be – where we will not have connection to the sewer plants as far as the pipework? Is there a large part of the lake that is still uncompleted?

Mrs. Geoghegan: There is approximately 1,200 septic systems that are adjacent to Chautauqua Lake at this time. This portion will sewer about three and a half miles of shoreline, on the west side of Chautauqua Lake. There is still about three and a half miles from Stow up to about Prendergast Creek that will remain unsewered and there is also portions of about five or six miles on the northeast side of the lake that are unsewered but as Wally had mentioned, the grant opportunity that is decommissioning the package plant at Chautauqua Lake Estates and installing the pump station in a force main, is going to create the ability to extend sewers on the northeast side of the lake as well.

Mr. Toda: And what is the type of discharge that we're talking about here immediately (*inaudible*) the lake and to clarify that, I mean, do we have leach beds, or do we have raw sewage still going into the lake? What is the condition of the discharges that are going around the lake, relative to what is going into the water? So, do we have leach beds around the perimeter of the lake or do we have raw discharges still going into lake?

Mrs. Geoghegan: Many of those are actually unknown because the Chautauqua County Department of Health is only able to do inspections of septic tanks when they are sold. So the Department of Health has just adopted new resolution that they are now able to go into certain areas and do these inspections and they are finding a variety of septic systems and as I had mentioned, their findings of about 50% of those are not meeting the standards.

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Mr. Toda: O.k., so there is still a possibility that raw discharge of human waste is being brought into the lake in certain instances.

Mrs. Geoghegan: It would be possible. Nothing is documented that I know of that says this.

Mr. Toda: Thank you very much for your information.

Good evening, my name is John Gerwall(?), I have my (*inaudible*) at 3139 Chautauqua Avenue in Ashville. I fully support a sewer system to help clean up the lake. It's one of our greatest resources that we have. But one of my question is, the letter that I received, it says that I will be paying roughly about \$1,000 a year, \$646.00 per year for capital costs. How long will this be put on our taxes? Is it like for 10 years, 20 years, or is it forever to take care of the capital costs?

Mrs. Geoghegan: That capital cost is actually different. This is not part of your taxes. So this is going to be a user charge that is onto that and this rate is based on a 30 year interest free loan. So in that 30 years, you would then be reduced to only paying the operation maintenance costs. So that \$646 that would then be gone but your capital debt would be gone after that 30 years. The hope is that that will be the maximum amount you would pay and hopefully it would be even less than that if we're able to obtain more grants.

Mr. Grewall: My other question is, when somebody has a septic system put in, it's always rated by how many bedrooms you have in the house. Four bedrooms, five bedrooms, six bedrooms. Someone like myself, I have a two bedroom seasonal cottage and it just doesn't seem right that I should pay the same rate as somebody that has a five bedroom, two and a half bath. You would think that the charge would be per bedroom or how many bathrooms you have instead of everybody is paying the same.

Mrs. Geoghegan: This is the structure that the County has established when they put in the sewer districts before but it does not look at seasonal residents versus non-seasonal. They do look at it based on the tax code and what your parcel is rated at. So if it is a parcel that is able to have a single family home, you would be charged a single family rate. If it's a dual duplex, you would be charged two units. Does that make sense?

Mr. Grewall: Yeah, I can see where you are coming from but it just seems that somebody with a large family even though it's single family, it's going to be using the sewer more than a somebody with a small family or a single person. Back in the City you know when you have metered water, that is how you pay, by what your water usage is. That's what your sewer tax is rated on. It's rated on how much you use it.

Mr. Manning: Also, you have to consider that the system is designed for the maximum flows from every residents along living in the service area. So part of that, the construction cost includes the largest pipe necessary for that particular system. Although your portion of that might be very tiny, on a given day, particularly being a seasonal cottage, it has to be built for the demand of the entire public, so that's built into that what we'll call the capital cost. That's part of that \$650.

Mr. Grewall: O.k., thank you.

My name is Dan Fitzgerald. I'm a resident of Sunrise Cove. We're right across from the BOCES Center and we are kind of at the end, I guess, of the sewer system right now. There was a couple of concerns of residents of Sunrise Cove and obviously if this is passed and so forth. One of the things is, there is a pump station right down in our parking lot which is at the public docks. It's my

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understanding that that needs to be upgraded? What does that mean? I guess what I am asking is, is it going to take more land, it is going to take a portion of the parking lot? From what I was given, I'm just not sure what the design is.

Mr. Manning: I'll jump in real quick. We're very early in the project so we don't have those details. But, if you can imagine the pump station itself that would be constructed there is probably not much bigger than what you already have. We're not talking about very large flows so the footprint would not be that big. We will have a lot of flexibility on how to locate it and when we get to that point, we would certainly want to sit down with the residents of Sunrise Cove to talk about details about where we could put things so that there is the least amount of disruption both from a construction standpoint and if a long term use of the facility.

Mrs. Geoghegan: The only other detail to that is, the reason we're looking at saying it would be adjacent to the existing pump station is so the existing pump station could stay in use until the new pump station is constructed. So once that changeover happens, the existing pump station would go away and then become vacant land for the area.

Mr. Fitzgerald: Oh, I see.

Mrs. Geoghegan: So that's why we had talked about doing it adjacently.

Mr. Fitzgerald: So the material that you are pumping is, it's going back to Jamestown, right? That's where this is – o.k.. The only other thing is, we obviously have a sewer system at Sunrise Cove. How would that affect the taxes of the people in Sunrise Cove?

Mrs. Geoghegan: Your taxes would not be changed. This is a user fee and currently the users of Sunrise Cove already pay into the South & Center Sewer District, the \$354 per year. You would be remaining to pay the exact same. You are currently served and you are keeping your existing systems.

Mr. Fitzgerald: O.k., thank you very much.

Hi, I'm Kathleen Cradel(?), I live at 3622 Watson Road. I'm a resident and I have a couple of questions about hearing the voices of some of the people that support our gem and that is veteran residents, seasonal people that pay the high tax rates that we all do and how we're incorporating them into this discussion especially given this awkward of the year when this hearing is being held. So that is one question. O.k., there is no answer to that. The second question is this, what is the margin of error in terms of the numbers of dollars that you are talking about? You are saying \$1,000 basically, right, for the user fee? Will that vary based on these grants you are looking for?

Mrs. Geoghegan: The only way that this would move forward is if the user fees are a \$1,000 per year or less. So the max rate that each of those home owners for a single family household would be a \$1,000. We are going after as many grants as we can. We would love to get that number as low as possible but we can't make any guarantees of what they would be at this point as many grants are still yet to be announced. But that number would be \$1,000 per year at the absolute max otherwise the project would not move forward.

Mrs. Cradel(?): Thank you and the other excuse me, I'm sorry.

Legislator Wilfong: Mr. Chairman, I couldn't hear the first question that that young lady asked. I was just wondering if we could ask her to ask her first question again?

Chairman Himelein: O.k., would you ask that first question again please?

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Mrs. Cradel(?): How you incorporating the voices of people who are non-residents but are taxpayers, the seasonal people, especially given the timing of this meeting when not a lot of the seasonal people are still here? Do they have a voice?

Mr. Abdella: The letter of the public hearing did go out to all property owners. There was one letter received from a seasonal owner who said that they could not attend the hearing tonight.

Mrs. Cradel(?): And he was explicit about his concerns, he lives on my road, yes. I guess I have concerns about such a huge project that will have long term effects on all of us residents and non-resident taxpayers in not having an opportunity for them to actually have more than a letter being read into the record. So, I have a concern about that. I don't think there was an answer expressing their concern, thank you. There are differential rates as you spoke, single, family, multiple family, how about business? There are some businesses in that area.

Mrs. Geoghegan: There are four commercial properties in this district area and they will be dealt with on a case by case basis. Each one of those, I believe, have been talked to but those would be based off of a flow rate which is how South & Center currently operates so those would be based off of a meter of how much water they used and for every 70,000 gallons per year is one EDU's or equivalent to a single family household.

Mrs. Cradel(?): Thank you that's helpful. The other question that I have is, you've mentioned at least in the particulars relief for the residents that they can apply for Department of Agricultural grant and pending eligibility, have some relief. I am concerned about what I consider to be lack of full disclosure around things like that. How will the person with a fixed income living on the lake, as seasonal or full time resident, how will they know whether they would get any relief or do we care?

Mrs. Geoghegan: We actually brought some of the applications with us and as this project progresses we will bring these applications to all of the home owners that may be eligible for them. Most of the applications are for people that I believe is either, 62 or 65 and have a certain amount of income for their family that are eligible for them. We actually have phone numbers of people that are working at the Rural Development offices that will help answer any of the questions that come up for those.

Mrs. Cradel(?): So ultimately it's a much smaller subset of the entire rate. I would really appreciate if those numbers or estimates would be more explicitly published because I think that you are talking about a much smaller group of people who would be eligible. So we are not in favor of this vote at this time. I think that additional information and voice would be very welcomed even though you only got one letter. I think the timing was very poor, so thank you for letting me ask.

Hi, I'm John Lawson and I have a seasonal place on 3326 Connelly Drive and I guess it didn't sound like there were many seasonal people here. I drove down from Rochester today so I could be here and voice my support for this. The lake just needs it. I personally believe that you folks, as Legislators, are here to do the right thing and I think you know the right thing to do for our lake is to keep it clean and keep it healthy. Not only is it good for the lake, it's good for us that live here and good for the area. I don't want to spend the money any more than anyone else but I believe it's part of my obligation as a home owner here so I would like to voice my support and I hope that you guys vote for it. Thanks.

My name is John Lloyd and my wife and I have owned a cottage on Bly Bay for about 25 years. We are here representing a number of our neighbors who are not residents and who are from out of the area and they wanted to let you know that they support this project. In addition to that, we

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own property above on Chautauqua Avenue boarding on Longview and we intend to sell our residence in Jamestown and build new residence there if this project goes through. We don't want to spend money on a septic system or a change in a septic system if this project goes through and this is the way our neighbors feel too. They have a lot of money or they may have to invest in the future in septic systems that will be wasted, I think, if we don't get this project completed. Thank you.

My name is Charles Hutchinson, I live at 3336 Highland Avenue in Connelly Park. We built a home there five years ago, we have a septic system that is only modern and a good system. Right now, I strongly look forward to being able to hook up to a sewage system. I have three questions. One, the main one is, is it going to be mandated that every home owner hooks up to this system?

Mrs. Geoghegan: I believe the County law, if I am not mistaken, states that any household that is within 250 foot of a public sanitary sewer must connect.

Mr. Hutchinson: That is a right answer. If everybody doesn't hook up, the cost is going to be higher for those that do and I got neighbors that have lousy septic systems, I have neighbors that have a good system and the client turns it off to save electricity. My biggest frustration is that we say, why aren't these septic systems being inspected? Well, we don't want to inconvenience anyone, we don't want to put a financial burden on any one meantime the lake is turning green. So, my second question is, I realize you don't know what the cost or what the availability of funds are going to be but I'm assuming and I think that you have already answered this but, I'm assuming that if you do grants, that cost will come down to individual home owners, is that correct?

Mr. Manning: Yes.

Mr. Hutchinson: The second question is, it sounds like a \$1,000 a year for eternity. Eventually you are going to pay the system off so will that cost go down when the system is paid off.

Mrs. Geoghegan: The capital costs for the portion is about the \$650, that is the capital cost for 30 years. Once that loan is paid off, it would drop down to the user fee that is just the operation and maintenance of the existing system.

Mr. Hutchinson: O.k., thank you. I strongly support your efforts and hopefully you'll be successful.

I'm Bob Freay and I live at 3354 Holland Avenue in Connelly Park. We've been there for 57 years. The last 15, we've lived there. We've made it our home so I'm definitely in favor of this project. I have a seasonal neighbor, he's a doctor, undergraduate degree in chemistry, and he asked me to ask this question. Once we're all hooked up to this sewer, how big a change will we see? In other words, his concern is, the water that's flowing into the lake from streams may negate our positive gain for adding the sewer. Has any research been done on that? I mean, the stream influx has that been tested? His other point was, there is already a lot of phosphorus in the lake and it's still going to be there. I don't think that he is for this because he doesn't want to spend the money but I'm definitely for it. I just wanted to lay that question out there.

Mrs. Geoghegan: There are a number of other projects that are going on in the County such as stream bank restoration projects to remove the phosphorus from that. I know that Legislator Chagnon has actually documented numerous things that have been going on that the County has been supporting in order to remove those other sources of phosphorus entering the lake and this is one piece of it. But there are many other actions that are ongoing and I'm sure that Legislator Chagnon would be happy to share that information with you as well.

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Mr. Freay: O.k., we know about the Chautauqua Watershed Conservancy and we support their work. But I understand also there are a lot of people in rural County here that couldn't give two hoots about improving their stream banks. So, my neighbors concerns, I guess, are valid but it doesn't mean that we shouldn't do anything about sewers. So, I hope the CWC keeps going. Thank you.

My name is David Wahl, I live on Almar Drive in Ashville and have lakefront property that I own in the Connelly Park area. At the last meeting we had back a few months ago in Bemus, I brought up a point that this could take years to get accomplished. In the meantime something that I brought up at that meeting, really didn't get an answer or any input from anybody. Is there any plans on putting some type of inspection on current septic systems? We heard one was turned off because they go to Florida and they don't think that they need to keep it on. I think if you would start to do – or is there any plans – I guess my question is, is there any plans to put any kind permits or inspection two years, three years, five years, so we know that the septic systems that are in place are working properly so maybe we can get a head start on saving the lake.

Mrs. Geoghegan: The Chautauqua County Department of Health has passed new requirements that they are now going around to any of the properties that are within 250 foot of any lake within in Chautauqua County and are undocumented and starting to do inspections on them. So, this is something that is an improvement however, to go around to all of the septic tanks in the area is a huge undertaking of man hours and money. So, this is a great step that the County is taking but really to implement the sewers is the best option at this time.

Mr. Wahl: I understand that. I guess I go back to the point that we all pay taxes and we get tax bills a couple of times a year, that could be as part of that tax bill that you have to turn in an inspection that you have to pay for. I mean, if the inspection costs \$50.00, at least we know that people aren't violating it and I think that is part of the problem that has caused the phosphorus that we have today.

Mrs. Geoghegan: The other issue is that septic tanks do not really remove any of the phosphorus unless you have a very advanced system that is very costly. The only real way to remove the phosphorus from your septic tank is to send it to a wastewater treatment plant where they have the capabilities and process to remove the phosphorus.

Mr. Wahl: So a septic tank that was put in 10 years ago, it's possible even though it's running properly, is still putting the bad stuff in the lake, is that correct?

Mrs. Geoghegan: That is correct.

Mr. Wahl: O.k., thank you.

My name is Jay Kuntz, my home is in Pittsburg and my heart is on Watson Road. I've been a visitor for 62 years. This is the 100th year that six generations of my family have been coming here. We kind of like it. For one reason is the lake, for another is people like Julius that we honored tonight. We have seen over the years challenges, we've also seen synergy with Chautauqua Lake Association, with the CWC, with the CLP, various other organizations coming together to understand that we need to do things. This is one of the things that we need to do. I'm not thrilled about paying another \$1,000 a year to come to Watson Road. I will as will my daughters. I urge you, move forward, show leadership, others have taken up different mantels to move forward, please do your part and apply for those grants. I'll give you some postage stamps. Thank you.

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My name is Jim Gibbons, my wife Kathleen is here and we are I guess seasonal residents now for 26 years. We have a cottage in Connelly Park. There are a lot of details around the costs that I think we need more information on. I'd love to see details about the engineering of this giant sewer pipe as well. I think the lake needs the help. Question I have for our Legislature here. Boaters on this lake purchase gasoline at lakeside marinas. They pay over the road New York State sales tax on that gasoline. I'm not asking you to raise the cost of lakeside gasoline but it might be possible to go to Albany and have those tax revenues that just go to Albany remain here in the lake to be used for environmental reasons. Just a thought. It's a user fee that is already being paid and that money is disappearing. Let's take the gas revenue from taxes on gasoline sold at marinas and keep that revenue here to support lake projects. Thank you.

My name is Allison Churchill. We live at 3230 Chautauqua Avenue. Have lived there in our new house, we had a cottage first for 13 years, we live now for 16 years after we converted it to a full time residency. Last summer, after being there for 15 years and having a new septic system put in when we built our house, we had some inspections done because we felt that there was a problem with our system and in fact there was. Our leach bed was failing even though it was only 15 years old. So we had to put in a partial new system to our house. Our bill for doing that, only a partial system, including redoing our lawn was more than \$22,000. The average life expectancy of a septic system is about 15 years, so if your system is older than that and it's still functioning properly, even though it is not taking the phosphorus out, you are very lucky. We're looking at probably another 15 years we will again replace our septic system unless the system for the sewers goes in. It will by then be at least \$30,000. That is far less than it is going to cost us in 30 years to pay our \$650 of the capital expense of this. So if anyone who objects to this feels that their septic system is really in compliance even though it is not removing the phosphates, and thinks that it's going to last that long or cost you less money, I urge you to get some estimates done, make sure the system is working properly and be very realistic about what this is going to cost you. Thank you.

Good evening, I wasn't going to say anything, I'm just here to listen but my name is Dick Sena and I'm Councilman in the Town of North Harmony and also have been a builder in Chautauqua County for 31 years. I'm just going to tag on what this lady said that as our clients come to me, they are always concerned about the lake. A lot of my clients are concerned about doing anything to their houses, whether it be renovations, or maybe tearing down and building new because of the lake. I'm constantly being asked what about the sewers, when are we going to get sewers? It's a big concern. I have been a boater since I was 14 years ago and this is probably the worst that I have ever seen the lake. There is no doubt in my mind so I support it, I encourage it, and on behalf of future clients and future tax base in Chautauqua County, I appreciate a positive vote on this, thank you.

Chairman Himelein: Is there anyone else to speak to the public hearing? Anyone else to speak? Seeing none, we'll close the public hearing. Do I hear a motion?

Legislator Chagnon: So moved.

Legislator Niebel: Second.

Chairman Himelein: All those in favor?

Unanimously Carried (7:43 p.m.)

Chairman Himelein: I would like to thank Mike and Jenelle from O'Brian and Gere for their help tonight. I do appreciate it. Mr. Chagnon, you have something to say.

Legislator Chagnon: Thank you Mr. Chairman. As was indicated earlier, a seasonal resident in the district extension area had written a letter. His name is Mr. Groth and all the

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Legislators got a copy of that letter at his request. I have responded to Mr. Groth to his concerns that he raised and I told him that I would read my response that he got into the record tonight because he's not able to be here. So, if you will allow me, I will read the letter I wrote to him.

Dear Mr. Groth:

Thank you for sending your letter to the Chautauqua County Legislature addressing your questions and concerns regarding the proposed extension of the South & Center Chautauqua Lake Sewer Districts up the west side of the lake through the hamlet of Stow. I am sorry you won't be able to attend the public hearing on the matter, but I will share this response with the Legislature immediately following the public hearing.

I understand your concerns regarding non-resident property owners like you not being afforded an opportunity to vote on any referenda that may develop regarding this district extension. However, our actions are very specifically regulated by New York State County Law and we have no opportunity to act contrarily.

We appreciate the financial impact this will have on property owners. As we have wrestled with this realization, several points have weighed heavily on this matter. The sewer system will be built only after sufficient grant funding is secured to bring the user cost below \$250 per quarter. If sufficient grant funding is not secured to meet this commitment, the system will not be built and there will be no charges to property owners in the District extension. There is no cost for the construction of the original Districts collection and transmission system or treatment plant to be included in the cost of the extension. The United States Department of Agriculture Rural Development offers grants and loans to property owners who are eligible to offset the connection cost. And from past experience, we recognize the substantial increase in the value of property, developed and undeveloped, that occurs once public sewers are available.

The current user rate structure of the County Sewer Districts provides no consideration for owners of multiple properties, owners of adjoining lots, nor seasonal residents as these have little or no bearing on the cost of constructing and operating the sewer system. The user cost is based upon the net cost of constructing the sewer system, plus the cost of operating and maintaining the collection, transmission, and treatment facilities and equipment. The entire sewer system must be operated, maintained, and available for use 24 hours per day, 365 days per year. The marginal costs related to seasonal use are an extremely small portion of the total costs.

When comparing the user costs to be determined for the properties in this district extension to user costs in the current South & Center Chautauqua Lake Sewer Districts, one must bear in mind the time frames involved. The existing collection, transmission, and treatment facilities and equipment have been fully paid for by the users in those districts. When the capital costs for constructing the new sewer system in the district extension have been fully paid for, the user cost for the existing South & Center Chautauqua Lake Sewer Districts and the district extension should be exactly the same.

And regarding the assertion that newer septic systems are not contributing in any significant way to the lake pollution problems, some facts need to be considered. Chautauqua Lake is designated as an impaired water body and a Total Maximum Daily Load, or TMDL, for phosphorus was completed by the Environmental Protection Agency and New York State Department of Environmental Conservation in 2012. Phosphorus is also the limiting factor for development of many species of harmful algae. Septic systems are only marginally effective in removing phosphorus, unless appended with an expensive and properly operated and maintained phosphorus removal system. Factors affecting the amount of phosphorus leaving a septic system include age and configuration of the system, saturation of the drain field, distribution of effluent in the drain field, siltation of the drain field, alkalinity of the soils, coarseness of soils, thickness of soils, depth to bedrock, depth to water table, and slope of the land.

The County is diligently working to improve the water quality in Chautauqua Lake so all residents, seasonal and non-seasonal, may enjoy a clean and healthy Lake. Sincerely, Pierre Chagnon.

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Chairman Himelein: Thank you Mr. Chagnon. Does anyone else have any comments from the Legislature?

Legislator Wendel: Thank you Mr. Chairman. I just like to say that I appreciate everybody who did attend this evening. It's very pleasing to see people I've known for a long time voicing their support on this endeavor. I'm sure after reading the paper Mr. Kidder might be doing some leaps in the air as he's produced several different letters to the newspaper of the necessity of this project. It's been done with our diligence moving forward. I appreciate everybody's comments, I appreciate the support we have for tonight and I appreciate everybody for coming out but again, I look forward to fully supporting this endeavor.

Legislator Vanstrom: At this time, I would like to give a sincere thank you to my esteemed colleague Pierre Chagnon. He's put a lot of time, heart, and sole and effort into lake issues and I share his love of the lake and waterways as well. But he also has a nice scientific spin on it that I can't quite add to but I do want to say that I appreciate and thank you Pierre.

Legislator Borrello: I also want to recognize the work of our Soil & Water Conservation District. Someone brought up the inflow of phosphorus and other nutrients from tributaries leading into the lake and the Soil and Water Conservation District is the one out there fighting that battle, working with farmers to do better land management, keeping their animals out of the water, doing stream bank stabilizations and other things. After many years of those phosphorus levels going up, we've actually had them level off and begin to drop over the last 2 years. Throughout the efforts of the Soil and Water District what's going on right now with sewerage the lake and other efforts, we will solve this problem. We will treat and finally cure this disease.

Chairman Himelein: Any other Legislators that would like to speak? Seeing none, we'll move on.

2018 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Chairman Himelein: We'll now open up the public hearing. (7:42p.m.). Is there anyone to speak on the budget or sewer districts? Do I hear anybody to speak? Seeing none, we'll close the public hearing. (7:43 p.m.)

RENEW & AMEND RES. NO. 147-16 Approve SEQRA Findings in Relation to Proposed Sewer Extension for West Side of Chautauqua Lake (See page 157 of 2016 Journal for text)

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

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WHEREAS, approximately 1,200 septic systems still exist surrounding Chautauqua Lake, and along with publically-owned treatment works (POTWs), have been identified as two of the primary point sources of phosphorus inputs to Chautauqua Lake; and

WHEREAS, recognizing the need to reduce wastewater phosphorus from entering Chautauqua Lake, the County, the North Chautauqua Lake Sewer District (NCLSD), the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and other stakeholders worked collaboratively and contracted with O'Brien and Gere Engineers to develop the "Chautauqua Lake Integrated Sewage Management Plan" (CLISMP), which was completed in October 2014; and

WHEREAS, a portion of the CLISMP recommendations include the upgrade, extension, and development of sewer infrastructure to replace existing septic systems on the west side of Chautauqua Lake; and

WHEREAS, the County has determined that the proposed ~~modification of the existing Goose Creek~~ *replacement of the Sunrise Cove* pumping station and the extension of public sewers to approximately 770 parcels (residential and commercial) along the west side of Chautauqua Lake is a Type 1 action as defined by 6 NYCRR 617.4, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, adopted pursuant to sections 3-0301 (1)(b), (2)(m) and 8-0113 of the Environmental Conservation Law, the County, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, the County caused to be prepared a Full Environmental Assessment Form ("FEAF"), as is required for projects classified as Type 1 actions, and found there to be no or very low probability of any adverse impact; and

WHEREAS, this County Legislature has reviewed the FEAF, *updated as of October 2017*, and supporting documentation, copies of which are on file with the Clerk of the County Legislature; 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.

(Strikethrough indicate deletion – Italics indicates new language)

Unanimously Adopted as amended – October 25, 2017

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RES. NO. 264-17

Determinations in Relation to the Extension of the South & Center Chautauqua Lake Sewer Districts through the Hamlet of Stow for the West Side of Chautauqua Lake

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 226-17 calling a public hearing for the purpose of considering a proposal to extend the South & Center Chautauqua Lake Sewer Districts (hereinafter referred to as the Districts) through the Hamlet of Stow for the West Side of Chautauqua Lake ; 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 October 25, 2017 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 Sewer Agency dated September 7, 2017 relating to the proposed extension of the Districts (hereinafter referred to as Map, Plan and Report), as well as the testimony and other information received by it at the public hearing and otherwise; 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 for the extension of the Districts are satisfactory and sufficient.
2. All of the property and property owners within the proposed extension of the Districts are benefitted thereby.
3. All of the property and property owners benefitted are included within the limits of the proposed extension of the Districts.
4. It is in the public interest to extend the Districts.
5. The proportion of the cost of the system of the original Districts to be included in the cost of the extension shall be zero.
6. *The zones of assessment within the area of the proposed extension of the Districts and the allocation of the costs of the facilities thereto represent as nearly as may be the proportionate amount of benefit which the several lots and parcels of land situate in such zones will derive therefrom.*

and be it further

RESOLVED, That the extension of the Districts through the hamlet of Stow on the west side of Chautauqua Lake with boundaries as described in the Map, Plan and Report and in the Notice of Public Hearing and the construction of the improvements described in the Map, Plan and Report for a maximum amount to be expended of \$16,888,000 are hereby approved; and be it further

RESOLVED, That the establishment of the initial zones of assessment within the area of the proposed extension of the Districts and the initial allocation of the costs of the facilities as between said zones of assessment as described in the Map, Plan and Report and in the Notice of Public Hearing are hereby approved; and be it further

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RESOLVED, That to the extent that the cost of the improvements and the expense of operation and maintenance are not paid from the revenues of the Districts, 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, 257, and 274 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.

MOVED by Legislator Wendel, SECONDED by Legislator Nazzaro to amend. (*Italics indicated new language*) - *Unanimously Carried*

Unanimously Adopted as amended – R/C Vote: 19 Yes – October 25, 2017

RES. NO. 265-17

Consider 2018 Tentative Budget, with the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action

By Audit & Control Committee:
At the Request of Legislators Chagnon, Borrello, Nazzaro, Muldowney, and Gould:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2018 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 2018 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNT:

A.6420.COMC.4	Contractual - Community Contracts	\$ 50,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual – Assigned Council	\$ 80,846
A.1165.1	Personal Services - District Attorney	\$ 68,481
A.1165.8	Employee Benefits - District Attorney	\$ 12,082
A.1620.4	Contractual - Buildings & Grounds	\$ 283
A.1620.7010.4	Contractual - South Co Office Building	\$ 34,907
A.3110.1	Personal Services - Sheriff	\$ 93,600
A.3110.8	Employee Benefits - Sheriff	\$ 31,615
A.3150.1	Personal Services - Jail	\$ 50,000
A.3150.4	Contractual - Jail	\$ 50,000
A.3150.8	Employee Benefits - Jail	\$ 12,810
A.3189.3112.4	Contractual - Snowmobile	\$ 40
A.4010.NURS.4	Contractual - Nursing	\$ 50,623

REGULAR SESSIONS

A.4090.4	Contractual - Environmental Health	\$ 20,000
A.5610.5610.4	Contractual - Jamestown Airport	\$ 20,000
A.6140.4	Contractual - Safety Net	\$352,113
A.6610.4	Contractual - Weights & Measures	\$ 1,242
A.6772.4	Contractual - Office for the Aging	\$ 9,200
	Total	\$887,842

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R111.0000	Sales Tax	\$ 63,830
A.1310.9999.R111.0CTY	Sales Tax-County Share	\$ 36,170
A.3140.R226.0000	Chgs: Oth Gov-Pub Safety	\$ 82,398
A.9730.R118.9000	Mortgage Tax	\$100,000
	Total	\$282,398

DECREASE REVENUE ACCOUNTS:

A.4010.NURS.R440.1BSE	Breast Screening	\$ 20,623
A.6140.R364.0000	Safety Net	\$ 98,592
A.6140.R464.0000	Safety Net	\$ 3,521
	al	\$122,736

And be it further

RESOLVED, That the 2018 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at ~~\$61,035,350~~ \$61,024,350 and an estimated Full Value Rate of \$8.44.

Signed: Chagnon, Borrello, Muldowney, Nazzaro, Gould

MOVED by Legislator Wendel, SECONDED by Legislator Borrello, to delete in the last Resolved, \$61,035,350 and insert \$61,024,350 – *Unanimously Carried*

Unanimously Adopted as amended – October 25, 2017

LOCAL LAW
INTRODUCTORY NO. 8-17
CHAUTAUQUA COUNTY

A LOCAL LAW TO PROVIDE A COUNTY REAL PROPERTY TAX EXEMPTION FOR
RESIDENTIAL CONSTRUCTION WORK ON CERTAIN OWNER OCCUPIED
RESIDENTIAL PROPERTY IN THE CITY OF JAMESTOWN

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

Section 1. Purpose.

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The purpose of this local law is to provide a county real property tax exemption for residential construction work occurring on certain owner occupied residential property in the City of Jamestown pursuant to Section 485-t of the New York State Real Property Tax Law ("RPTL § 485-t"). The RPTL § 485-t exemption is limited to: (i) residential construction work occurring on single family or two family residential property that is vacant, legally condemned and has outstanding state and local building and fire code violations, where the cost of remedying such violations exceeds the value of such property; or (ii) the construction of a new single or two family residence of not less than one thousand two hundred square feet on a parcel upon which a prior structure was demolished.

Section 2. Exemption.

The County of Chautauqua hereby elects to provide the tax exemption for residential construction work authorized pursuant to RPTL § 485-t for taxes levied by or on behalf of the County of Chautauqua on certain owner occupied residential property in the City of Jamestown, as follows:

<u>Year of exemption</u>	<u>Percentage of exemption</u>
1 through 3	100% of exemption base
4 through 5	80% of exemption base
6 through 7	60% of exemption base
8 through 9	40% of exemption base
10 through 11	20% of exemption base

Section 3. Eligibility and Other Requirements.

The exemption provided by this local law shall be implemented pursuant to all of the terms, conditions, procedures, and other requirements set forth in RPTL § 485-t, as it may be amended from time-to-time. All such terms, conditions, procedures, and other requirements of RPTL § 485-t are hereby incorporated by reference into this local law as if fully set forth herein.

Section 4. Effective Date

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

Emailed: 10/13/17

Adopted by Legislature: 10/25/17

Public Hearing by County Executive: 11/8/17

Adopted as LL 9-17

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 11/14/17

2nd Privilege of the Floor

Emily Reynolds from Cornell Cooperative Extension. I hope that I had the opportunity to thank each of you individually for your continued support and progress through this budget. I just wanted to go on public record and say it tonight in front of everyone that we do sincerely appreciate the support for agricultural in the County. We know that it is not easy process and we want to thank you for that. Thank you.

Vince Horrigan, Mayville. This is the second year in a row, unanimous passing of the budget. I talk a lot about good government and this is it right here. When I presented the budget and the Legislature went through an incredible process of really looking at it and really scrutinize it and try

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and do everything they could to get it as accurate as possible at the lowest possible tax rate. Then department heads coming through with additional suggestions. Our Health & Human Services and Probation said we can cut another \$83,000 out of our joint services team, so they were coming forward. Now with the work that we have, we're going to be .37 cents per thousand below the average of Western New York. We continue to excel but the thing that I'm really excited about, the two biggest amendments in this budget that you did, one was a reduction in Safety Net cost which means that the trend is going in the direction where our assistance to needy families is trending in a better direction. We still have that but that tells us that folks are getting jobs, that maybe we're making some impact there. The other one is in mortgage revenues meaning more houses, more refinancing. So this is more indication of Chautauqua County on the move. I want to thank all of you and rest assured as soon as this hits my desk, I will sign this. We worked together, we have great government and my congratulations to each and every one of you. Thank you. (*applause*)

Mr. Anthony Toda, 144 Clifton Avenue in Jamestown. A few months I came here and stated my opposition to the sale of the South County Office Building and now that it has been sold, I would just like to say what I believe the effects of the sale could be. First I believe that it was not a financially sound idea for the County to sell it and the reason for that is, and correct me if I am wrong, the \$1.7 million sale, I believe it's the correct figure, sale price of that building is way below the value of the building, the cost of the (*inaudible*) lease will easily supersede such a low sale price. The building is no longer tax exempt meaning that the County is going to have to pay (*inaudible*) taxes through the lease and the owner is going to incorporate that in his lease. Also the City of Jamestown property taxes and school taxes will also be incorporated in the lease if he wants to. Therefore the sale (*inaudible*) sons and daughters in the future with a higher tax liability for the County itself. The second thing I wanted to mention is the sale of the County office building will not help to relieve the financial problems in Jamestown as some Legislators had mentioned in public hear. The City's budget under Mayor Teresi and I'm referring to 2/17 of his budgets in which he uses the words, the Jamestown area supports and another part of the letter he says, we're the highest poverty rates (*inaudible*) region in the entire State and that's not changing. Mayor Teresi has repeatedly overridden the tax cap by raising taxes, Repeated use of constitutional tax limit for a period (*inaudible*) for capital improvement and financial stability in the Jamestown BPU. Now with the attempted annexation, that destabilization, (*rest of statement inaudible*).. major factor in the Town of Elliott (*inaudible*). The Teresi administration is also driving taxpayers and business out of the City and therefore out of the County and replaced them with massive welfare (*inaudible*) that has reportedly brought unprecedented crime to a City that is historically had low crime rates. Mayor Teresi's budget, Exhibit 5 in fact states that he's received \$230,000,000 from State, Federal and Foundation grants and loans. Where has this money gone, who has this money helped? The (*inaudible*) is the job creation of (*inaudible*) with this kind of monetary support, there isn't any. Mayor Teresi's non sensible approach is to raise taxes and to make statements of promises in the future which has created a Catch 22 (*inaudible*) out of the City of Jamestown and therefore the County. So finally I would like to say, if almost a quarter of a billion dollars hasn't helped Jamestown then the County must (*inaudible*) serious approach in financial matters in regards to the City of Jamestown. Thank you.

Chairman Himelein: Anyone else to speak?

MOVED by Legislator Gould, SECONDED by Legislator Borrello and duly carried the meeting was adjourned. (8:07 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, November 15, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present.

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

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski, the minutes were approved. (10/25/17)

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 10/25/17

ACCREDITATION AWARD

LT. KIRK LYON
By
SHERIFF JOE GERACE

COMMUNICATIONS:

1. Letter – County Executive – Apptmt. to Planning Board
 2. Letter – M. Hollenbeck – In Support of Sewer Line Extension – S&CCLSD
 3. Proof of Publication after Adoption – Res. 264-17 – S&CCLSD
 4. Minutes – Chaut. County Soil & Water Conservation District – 10/2017
 5. Notification – NYS Assn. of County Coroners & Medical Examiners Conference
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RENEW & AMEND RES. NO. 249-17 - Fiscal Year 2017 Hazardous Materials
Emergency Preparedness (HMEP) Grant Program

WHEREAS, Chautauqua County and its regional partnership were awarded funds of \$15,516.00 under the FY 2017 Hazardous Material Emergency Preparedness (HMEP) Grant Program, funded by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES), with a twenty percent (20%) match from the County in the amount of \$3,879 that has been budgeted in the 2017–2018 County budgets; 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;

REGULAR SESSIONS

and determine the need within a state for regional hazardous materials emergency response teams;
and

WHEREAS, the grant period runs from October 1, 2017 through September 30, 2018, and as may be extended; 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.

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski to renew Resolution 249-17. – *Unanimously Carried*

MOVED by Legislator Wendel, SECONDED by Legislator Bankoski to amend (See strikethrough in 1st WHEREAS) – *Unanimously Carried*

RENEW & AMENDED RES. NO. 249-17 – Unanimously Adopted – November 15, 2017

RES. NO. 266-17

Confirm Appointment - Chautauqua County Planning Board

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

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

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

Rebecca Yanus
214 Pierce Ave.
Hamburg, N.Y. 14075
Term Expires: 12/31/18

Filling term of: Maureen Morabito

Signed: Borrello, Chagnon, Odell, Starks

Unanimously Adopted – November 15, 2017

RES. NO. 267-17

North Chautauqua Lake Sewer District Fund Transfer

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

WHEREAS, the North Chautauqua Lake Sewer District has funds available in the 2017 budget for pump replacements; and

WHEREAS, the District's pumps are not currently in need of replacement; and

JOURNAL OF PROCEEDINGS

WHEREAS, as a result of phosphorous upgrades the County is now incurring sludge hauling expenses; and

WHEREAS, the Chautauqua Utility District provides sewage treatment services to some of the properties located within the bounds of the North Chautauqua Lake Sewer District, and the Chautauqua Utility District bills the North Chautauqua Lake Sewer District for such services; and

WHEREAS, unanticipated expenses for sludge hauling and an increase in the Chautauqua Utility District bills have resulted in a shortage of funds in the operating account; now therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATE ACCOUNT:

ESN.8130.8132.4 Contractual—Sewage Treatment	\$31,872
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DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.2 Equipment—Sanitary Sewers	\$31,872
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Borrello

Unanimously Adopted – November 15, 2017

RES. NO. 268-17

Authorizing Extension of Lease with Cornell Cooperative Extension for the Frank W. Bratt 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 has been leasing a portion of the Frank W. Bratt 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 two (2) 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, 2017 through December 31, 2018, upon substantially the following terms and conditions:

1. Premises. A portion of the Frank W. Bratt County Agricultural Center in the Town of Ellicott, to be described more specifically in the lease agreement, together with all appurtenances and improvements thereto.
2. Rent. One thousand ninety-eight and 33/100 dollars (\$1,098.33) per month; last monthly payment one thousand ninety-eight and 34/100 dollars (\$1,098.34) (*same as 2016 lease payments*).
3. Term. Two (2) year term commencing January 1, 2017, with cancellation by either party upon thirty (30) days' written notice.

REGULAR SESSIONS

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. Cornell Cooperative Extension will be responsible for the snow removal on the east parking lot in front of the Soil and Water conservation building , the front circle including both entrance and exit points, and shoveling snow on the sidewalks from the front entrance to the parking lot. Cornell Cooperative Extension may subcontract for some of the maintenance services.
6. Other. As negotiated by the County Executive.

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

Unanimously Adopted – November 15, 2017

RES. NO. 269-17

Adjust DPF Appropriation and Revenue Accounts for Stockpile- Snow Removal

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

WHEREAS, Chautauqua County uses approximately 30,000 tons of salt annually in the winter road maintenance program; and

WHEREAS, maintaining an adequate supply of salt is critical to ensuring the safety of the traveling public; and

WHEREAS, proper funding for maintenance and de-icing is essential to keeping our roads and bridges operational; and

WHEREAS, in the early part of 2017 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 2017; and

WHEREAS, the County fund balance is available to cover the remainder of these unanticipated weather-related expenses; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

D.-----915.0000 Assigned/Unappropriated Fund Balance	\$222,500
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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 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

D.5142.4 Contractual—Snow Removal: Co Roads	\$250,000
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INCREASE REVENUE ACCOUNT:

D.5142.R277.0007 Miscellaneous—Other Uncl: Salt & Sand	\$ 27,500
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Borrello

Unanimously Adopted – November 15, 2017

RES. NO. 270-17
Adjust DPF Large Equipment Capital Account

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

WHEREAS, funds realized from the sale of surplus equipment generated a surplus to the DPF large equipment revenue account; and

WHEREAS, additional funds are needed to complete large equipment purchases; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual—Road Machinery, DPF Large Equipment Annual	\$59,000
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INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$59,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Borrello

Unanimously Adopted – November 15, 2017

RES. NO. 271-17
Amend 2017 Budget – Law Department

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

WHEREAS, commencing after adoption of the 2017 budget, the Law Department assumed legal representation of all County water and sewer districts; and

WHEREAS, the Law Department has received revenues in excess of budget from County districts, the Chautauqua County Land Bank Corporation, and the Chautauqua Tobacco Securitization Asset Corporation (CTASC) for services rendered by the Law Department; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget to reflect the additional services undertaken and revenues received by the Law Department in 2017:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNTS:

A.1420.----.1	Personal Services – County Attorney	\$11,768
A.1420.----.4	Contractual – County Attorney	\$ 5,254
A.1420.----.8	Employee Benefits – County Attorney	<u>\$ 1,843</u>
		\$18,865

INCREASE REVENUE ACCOUNT:

A.1420.R126.5000	Departmental Income – Fees: Attorney	\$18,865
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Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 272-17

Amend 2017 Budget for Various Finance Department Accounts

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

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.4	Contractual – Department of Finance	\$40,000
A.1330.----.4	Contractual – Real Property Tax	\$10,000
A.1355.----.4	Contractual – Tax Assessment	<u>\$25,000</u>
	Total	\$75,000

DECREASE APPROPRIATION ACCOUNTS:

A.1310.1	Personnel Services – Department of Finance	\$40,000
A.1362.4	Contractual – Tax Advertising & Expense	\$10,000
A.2490.4	Contractual – Community College Tuition	<u>\$25,000</u>
	Total	\$75,000

Signed: Scudder, Vanstrom, Whitford, Muldowney, Starks, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 273-17

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 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, 2017 through September 30, 2017

TOWNS			CITIES
Arkwright	7,212.24	Dunkirk	30,170.84
Busti	84,840.27	Jamestown	96,135.89
Carroll	19,956.62		
Charlotte	6,631.99	TOTAL	\$126,306.73
Chautauqua	51,233.90		
Cherry Creek	3,707.52		
Clymer	18,215.03		
Dunkirk	13,919.32		
Ellery	46,865.33	Bemus Point	3,142.76
Ellicott	66,472.51	Brocton	1,042.26
Ellington	5,950.98	Cassadaga	1,418.88
French Creek	12,528.94	Celoron	3,922.33
Gerry	10,169.70	Cherry Creek	412.05
Hanover	31,185.77	Falconer	7,816.37
Harmony	9,303.10	Fredonia	22,231.53
Kiantone	11,658.12	Lakewood	25,208.66
Mina	8,466.77	Mayville	4,048.63
North Harmony	29,759.30	Panama	1,148.64
Poland	7,713.70	Sherman	1,291.86
Pomfret	43,119.31	Silver Creek	3,617.38
Portland	11,511.25	Sinclairville	1,254.84
Ripley	9,636.98	Westfield	5,636.05
Sheridan	17,458.41		
Sherman	7,505.24		
Stockton	7,833.85	TOTAL	\$82,192.24
Villanova	6,251.22		
Westfield	15,382.93		
TOTAL	\$564,490.30		

REGULAR SESSIONS

GRAND TOTAL \$772,989.27

Signed: Gould Scudder, Borrello, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro

Unanimously Adopted – November 15, 2017

RES. NO. 274-17

Authorize Agreements with Erie County for Autopsy Services

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan and Chairman David Himelein:

WHEREAS, pursuant to Article 17A, Sections 673 and 674 of the County Law, the County is required to perform forensic autopsies and related services; and

WHEREAS, the County does not have staff who are able to perform forensic autopsies, and such services are not otherwise available in the County; and

WHEREAS, Erie County has a Medical Examiner's Office that performs forensic autopsies and related services; and

WHEREAS, Section 672 of the County Law authorizes counties to enter into mutual aid agreements for the provision of services provided by the office of the medical examiner; and

WHEREAS, Erie County has been a long time provider of autopsy services for Chautauqua County and remains ready, willing and able to continue to provide such services; now, therefore, be it

RESOLVED, That the County Executive is authorized to enter into agreements with Erie County for the performance of forensic autopsies and related services, on such terms as the County Executive may negotiate, for so long as Chautauqua County requires such services from Erie County.

Signed: Wendel, Bankoski, Whitford, Pavlock

Unanimously Adopted – November 15, 2017

RES. NO. 275-17

Authorize Agreement with Pine Valley Central School District for Purchase of Fuel for Chautauqua County Emergency Services Vehicles

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 239-17, the Sheriff has negotiated a tentative agreement with the Pine Valley Central School District for the purchase of fuel for Sheriff's Office vehicles; and

WHEREAS, it would be appropriate to expand the agreement to include fueling of Chautauqua County Emergency Service vehicles at current New York State bid prices and without payment of usage or service fees; therefore be it

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RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Pine Valley Central School District for the purpose of purchasing fuel for Chautauqua County Emergency Service vehicles.

Signed: Wendel, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 276-17
Amend 2017 Budget for Various Office of the Sheriff Accounts

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

WHEREAS, some Office of the Sheriff expenses have exceeded 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 2017 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.3189.MEDI.R158.9001	Departmental Income--Other Public Safety Income: Medi-Vac	\$10,000
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DECREASE APPROPRIATION ACCOUNT:

A.3110.1	Personal Services--Sheriff	\$35,000
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INCREASE APPROPRIATION ACCOUNTS:

A.3189.MEDI.4	Contractual—Other Law Enforcement: Medi-Vac	\$10,000
A.3189.3111.1	Personal Services--Other Law Enforcement: Navigation	\$ 5,000
A.3189.3111.8	Employee Benefits--Other Law Enforcement: Navigation	\$2,500
A.3315.----.8	Employee Benefits—STOP DWI	<u>\$27,500</u>
	Total	<u>\$45,000</u>

Signed: Wendel, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould
Unanimously Adopted – November 15, 2017

RES. NO. 277-17
Amend Chautauqua County Health & Human Services 2017 Budget for Expenditures Related to
Childhood Lead Poisoning Primary Prevention Program 2017-2018 COLA

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

WHEREAS, revenue and expenditures for the Childhood Lead Poisoning Primary Prevention Program 2017-2018 COLA were included in the 2017 County budget; and

REGULAR SESSIONS

WHEREAS, the COLA spending was budgeted as supplies expense and actual spending will include equipment; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.3	Equipment –Other Public		
	Health Progs Lead - Lead Testing		\$ 6,910

DECREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual –Other Public		
	Health Progs Lead - Lead Testing		\$ 6,910

Signed: Lemon, Wilfong, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 278-17

Amend Chautauqua County Health & Human Services 2017 Budget for Increased Early Intervention Costs

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

WHEREAS, 2017 expenditures for Early Intervention are now projected to be in excess of the budgeted amount; and

WHEREAS, 2017 contractual expenditures for Safety Net are now projected to be lower than the budgeted amount; and

WHEREAS, Early Intervention costs are funded at 49.5% by the State of New York and Safety Net costs are funded at 28% by the State of New York and at 1% by the Federal government; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4059.----.4	Contractual-Early Intervention Program		\$ 42,000
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DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4	Contractual-Safety Net		\$ 29,180
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INCREASE REVENUE ACCOUNT:

A.4059.R345.0EIS	NYS Aid – Early Intervention Srvc		\$ 21,285
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DECREASE REVENUE ACCOUNTS:

A.6140.R364.0000	NYS Aid – Safety Net		\$ 8,170
A.6140.R464.0000	Federal Aid – Safety Net		\$ 295
			\$ 8,465

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Signed: Lemon, Wilfong, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 279-17

Amend Chautauqua County Department of Health & Human Services 2017 Budget for Increased
Child Care (Foster/Institutional) Costs

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

WHEREAS, 2017 expenditures for Child Care (Foster/Institutional) are now projected to be in excess of the budgeted amount; and

WHEREAS, 2017 personal services expenditures are now projected to be lower than the budgeted amount; and

WHEREAS, Child Care (Foster/Institutional) costs are funded at 21% by the State of New York and at 38% by the Federal Government; and

WHEREAS, Social Services Administration costs are funded at 11% by the State of New York and at 38% by the Federal Government; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6119.----.4	Contractual-Child Care (Foster/Inst)	\$775,000
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DECREASE APPROPRIATION ACCOUNTS:

A.4017.JAIL.1	Personal Services-Clinics Jail	\$175,000
A.6010.----.1	Personal Services-Social Services Admin	<u>\$280,000</u>
	Total	<u>\$455,000</u>

INCREASE REVENUE ACCOUNTS:

A.6119.R361.9000	NYS Aid – Child Care	\$162,750
A.6119.R461.9000	Federal Aid – Child Care	<u>\$294,500</u>
	Total	<u>\$457,250</u>

DECREASE REVENUE ACCOUNTS:

A.6010.R361.0000	NYS Aid – Social Services Admin	\$ 30,850
A.6010.R461.0000	Federal Aid – Social Services Admin	<u>\$106,400</u>
	Total	<u>\$137,250</u>

Signed: Lemon, Wilfong, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – November 15, 2017

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RES. NO. 280-17

Amend Chautauqua County Health & Human Services 2017 Budget for Increased Handicapped Preschool Education Tuition Costs and Related Administrative Costs

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

WHEREAS, 2017 expenditures for Handicapped Preschool Education Tuition and Handicapped Preschool Education Administration are now projected to be in excess of the budgeted amount; and

WHEREAS, 2017 contractual expenditures for Safety Net are now projected to be lower than the budgeted amount; and

WHEREAS, Handicapped Preschool Education Tuition costs are funded at 59.5% by the State of New York and Safety Net costs are funded at 28% by the State of New York and at 1% by the Federal government; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.2960.ADMN.1 Personal Services-Educ. Handicapped Children Administration	\$ 12,000
A.2960.ADMN.8 Employee Benefits-Educ. Handicapped Children Administration	\$ 17,500
A.2960.TUIT.4 Contractual-Educ. Handicapped Children Tuition	<u>\$600,000</u>
	\$629,500

DECREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1 Personal Services-Public Health Admin Nursing	\$ 12,000
A.4010.NURS.8 Employee Benefits- Public Health Admin Nursing	\$ 17,500
A.6140.----.4 Contractual-Safety Net	<u>\$342,255</u>
	\$371,755

INCREASE REVENUE ACCOUNT:

A.2960.4410.R327.7000 NYS Aid – Ed Handicapped Children	\$357,000
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DECREASE REVENUE ACCOUNTS:

A.6140.R364.0000 NYS Aid – Safety Net	\$ 95,832
A.6140.R464.0000 Federal Aid – Safety Net	<u>\$ 3,423</u>
	\$ 99,255

Signed: Lemon, Wilfong, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – November 15, 2017

RES. NO. 281-17

Amend 2017 Budget for OCFS Custody Invoices

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

WHEREAS, 2017 contractual expenditures for State Training School are now projected to be in excess of the budgeted amount; and

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WHEREAS, the overall budget must be increased to include the increased costs; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance--Unassigned Fund Balance \$ 3,800,000

; and be it further

RESOLVED, That in order to record the projected State Training School expenses, the Director of Finance is hereby directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6129.4 Contractual — State Training School \$ 3,800,000

Signed: Lemon, Wilfong, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Adopted w/ Legislator Lemon voting “no” – November 15, 2017

RES. NO. 282-17

Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan and Legislator George Borrello:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek, are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of

REGULAR SESSIONS

the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolutions 106-16 and 266-16, Chautauqua County retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects, and obtaining federal funding during 2016 and 2017 at a cost not to exceed \$15,000 each year; and

WHEREAS, NEXUS's activities in 2016 and 2017 helped increase Federal funding for maintenance dredging in the draft recreational harbors in Barcelona and Dunkirk, authorized feasibility studies for flood mitigation in Silver Creek and Sunset Bay in the 2016 Water Resource Development Act (WRDA), and included a proposal for a feasibility study for the Environmental Restoration of Chautauqua Lake which was included in the USACE Annual Report to Congress (7001 list); and

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS throughout the 2018 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation and Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost from the 2% Occupancy Tax Reserve; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,141; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway	\$10,000
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;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2018 Tentative Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration	\$10,000
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Signed: Borrello, Chagnon, Gould, Odell, Starks, Nazzaro, Muldowney

Unanimously Adopted – November 15, 2017

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RES. NO. 283-17

Making Appropriations for the Conduct of County Government for Fiscal Year 2018

At the Request of Chairman David Himelein:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2018 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 265-17 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 265-17 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, 2018; 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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 284-17
Authorize Tax Levy

At the Request of Chairman David Himelein:

WHEREAS, there has been adopted a budget for the fiscal year of 2018 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2018 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 211-17, adopted August 23, 2017.

REGULAR SESSIONS

5. Upon the property on which school taxes are uncollected as of November 30, 2018, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2018, 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 2018 pursuant to law or resolution of this Legislature.

Signed: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 285-17
Authorize Levy of Town Taxes

At the Request of Chairman David Himelein:

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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 286-17
Authorize Levy of Unpaid Town Charges

At the Request of Chairman David Himelein:

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: Himelein

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Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 287-17
Authorize Levy of Omitted Taxes

At the Request of Chairman David Himelein:

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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 288-17
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman David Himelein:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2018 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 2018 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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 289-17
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman David Himelein:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2018 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

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RESOLVED, That the assessment roll for the year 2018 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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 290-17

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman David Himelein:

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: Himelein

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 291-17

Fixing Equalization Rates for 2018

At the Request of Chairman David Himelein:

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 2018 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2018 tax rolls in the following towns and cities:

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Arkwright	49%	Harmony	95%
Busti	100%	Jamestown, City	100%
Carroll	100%	Kiantone	95%
Charlotte	95%	Mina	100%
Chautauqua	100%	North Harmony	99.50%
Cherry Creek	93.75%	Poland	97%
Clymer	100%	Pomfret	18.25%
Dunkirk, Town	69%	Portland	57.00%
Dunkirk, City	79%	Ripley	100%
Ellery	93.50%	Sheridan	59%
Ellicott	98%	Sherman	100%
Ellington	95%	Stockton	100%
French Creek	100%	Villanova	52.50%
Gerry	96.50%	Westfield	76%
Hanover	89%		

Signed: Himelein

Unanimously Adopted –November 15, 2017

RES. NO. 292-17
Quit Claim Deeds

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

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

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. 110-17; 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.

Offer Number	Municipality	S/ B/ L	Purchaser	Offer Amount	Taxes Owning
QC-169-2016	Busti/ Village of Lakewood	062201-385.12-3-13	Peter L Nalbome	\$ 1,011.00	\$ 7,512.42
QC-213-2016	Ellicott	063889-371.12-2-68	Steven L Cybart	\$ 1.00	\$ 1,541.91
QC-233-2017	Hanover/ Village of Forestville	064601-100.09-1-37	Powell Bache LLC	\$ 1.00	\$ 7,527.88
				\$ 1,013.00	\$ 16,582.21

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

RES. NO. 293-17

Approving Labor Contract with CSEA Unit 6300

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the County's negotiating team and CSEA Unit 6300 have reached a tentative agreement for the period January 1, 2018, through December 31, 2018; and

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

RESOLVED, That the Chautauqua County Legislature hereby approves the tentative agreement between the County and CSEA Unit 6300 to include modifications to health insurance benefits and a wage increase of 2% for 2018; and be it further

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents and agreements to effectuate the new labor agreement with CSEA Unit 6300.

Signed: Chagnon, Muldowney, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 19 Yes - November 15, 2017

EMERG. RES. NO. 294-17

Authorization to Name the Emergency Services Office the
"JULIUS J. LEONE, JR., EMERGENCY OPERATIONS CENTER"

AT THE REQUEST OF: Chairman David Himelein and County Executive Vincent W. Horrigan

WHEREAS, Julius J. Leone, Jr. has spent his entire adult life in the fire and safety field most recently serving as Chautauqua County Emergency Service Director since March 2, 2002; and

WHEREAS, Leone has supported each of the county's 42 fire departments and facilitated the annual training of 1,800 firefighters and has also partnered with fire service and law enforcement to provide specialized teams and most recently developed the Fly Car Paramedic Program; and

WHEREAS, Julius J. Leone, Jr has been essential in coordinating and responding to emergency situations and obtaining federal funds and grants to keep his office moving forward; and

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WHEREAS, the request to name the current offices of Chautauqua County Emergency Services the "JULIUS J. LEONE, JR., EMERGENCY OPERATIONS CENTER" has been brought forth by the Chautauqua County Fire Advisory Board and approved by the Town of Chautauqua as the owner of the building in which the current offices are housed; therefore be it

RESOLVED, That the Chautauqua County Legislature, hereby approves the naming of the Chautauqua County Emergency Services office as the "JULIUS J. LEONE, JR., EMERGENCY OPERATIONS CENTER".

Unanimously Adopted –November 15, 2017

LOCAL LAW
INTRODUCTORY NO. 9-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 1-83 PROVIDING FOR A MANAGEMENT
BENEFITS PLAN FOR COUNTY OFFICERS AND EMPLOYEES

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

1. Amendment. Section 2(D) of Local Law 1-83 of the County of Chautauqua, as amended, is hereby further amended to read as follows:

D. Health Insurance – Such public or private health insurance or self-insurance managed care program, including wellness, flex, dental and vision benefits, as may be granted, withdrawn, or modified by the County Executive within the amount appropriated for such purpose by the County Legislature, with participating managerial employees obligated to pay 15% of the full premium amount of preferred provider organization (PPO) plans subject to a cap of 12% on any increase in the annual premium to be paid by participating managerial employees.

2. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Emailed: 10/31/17

Adopted by Legislature 11/15/17

Public Hearing by County Executive: 11/30/17

Adopted as Local Law 10-17

R/C Vote: 19 Yes

Date State Filed: 12/5/17

LOCAL LAW
INTRODUCTORY NO. 10-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(re: CORRECTIONS LIEUTENANT)

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

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Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan set forth in Local Law 7-90, and as amended, to set the salary range for the new title of Corrections Lieutenant. The title of Corrections Lieutenant shall replace the current title of Deputy Sheriff/Jail Supervisor that had a non-scheduled salary range of \$52,151 to \$73,488.

Section 2. Salary Levels.

The title of Corrections Lieutenant shall be placed in Range 5 (\$48,868 to \$74,883) of the 2017 Management Salary Plan, and the title of Deputy Sheriff/Supervisor eliminated from the Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 10/31/17

Adopted by Legislature 11/15/17

Public Hearing by County Executive: 11/30/17

Adopted as Local Law 11-17

R/C Vote: 19 Yes

Date State Filed: 12/5/17

2nd Privilege of the Floor

I'm Mira Berkley, I live at 248 Temple Street in Fredonia and I want to speak to you about the fact that the Chautauqua County Department of Health & Human Services is proposing to amend Child & Family Services Plans by lowering the definitions of very low income as it is used in determining priorities for child care benefits from 200% to 125%. It's also proposing to increase the child care family share percentage from 20% to 35%. Family share is the weekly amount paid towards the cost of child care services by the child's parent or care taker. What this means is, our working families who are low income in our County are in a position where they are going to lose the support that they have had to be able to be the workers in our community and their children are going to be in jeopardy of being in low quality or no quality care if parents can't get support to pay for child care. They are not going to show up to work so we're jeopardizing both our current workforce by not supporting them to be able to afford child care and we're also jeopardizing our future workforce by jeopardizing the quality of care that they will be in without the support. There are, among the child care providers, there are 79 small businesses in our County and without the subsidies, many of the families who send their children to their programs will be unable to use their services and that means putting them out of business as well with this type of shift. Public comments will be accepted just until December 12th and we wanted to share this with you to get your help. Thank you.

My name is Beth Starks, my address 26 Maple Drive West, here in Mayville. I would like to speak on the same issue. I'm the Early Childhood Education Coordinator at Jamestown Community College, I'm also the founder and Executive Director of Chautauqua Lake Child Care Center which is a non-profit child care center housed inside Chautauqua Lake School. So these proposed cuts to child care will impact many families. Now at the State level the child care subsidies cuts were made. They cut \$7 million which represented about 1% decrease. So here in Chautauqua County our reduction in child care subsidy money was reduced a little bit more, it was 3.7% and the reason for that is that we had not spent all of our child care subsidies in Chautauqua County. We haven't used the full amount in many years so our reduction on child care subsidies was a little bit greater. However, the proposed amendment would impact a lot more families than need to be impacted for just a 3% cut. So, going from 200% of poverty level, so if we have a family of four at 200% of poverty

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level that is \$49,200 that they would make and right now, a two parent family would make \$43,000 if they both worked minimum wage jobs. So right now they would qualify for child care assistance.

Under the new proposed recommendations, only 125% of poverty level families would receive child care benefits meaning that, that family that I just talked about, that family of four where both parents are working minimum wage jobs would no longer receive assistance for child care. So their choice would be either to, one of them to quit their jobs and then they would need more benefits, or, they could (*inaudible*) their child, I don't know where, but it probably wouldn't be safe and it wouldn't be high quality. So, I'm asking, I'm here on behalf of a lot of child care centers. Just the six that I was able to contact today said that this cut would represent a cut benefits for 77 families and it would also cut at least 14 staff. In the child care centers only make up about 3% of the total subsidy dollars that are spent in this County. So I would like to ask a few questions that I hope could be answered and all of you might ask the same questions before the public comment period is over and this amendment takes place. How many working families will this new amendment affect? How many people will not be able to go to their jobs because they lost this child care assistance. Why is the proposed cut so much if we only received a little, 3.7% reduction, why do we need to have this drastic of a cut in child care subsidies and what families would receive these subsidies? Does it have anything to do with the bill that you voted on to pay tonight for juvenile justice? Is this money being made up in a loss in child care because we had a juvenile justice issue? In my opinion and the research of many, if we don't invest in child care we'll end up paying a lot more in juvenile justice 15 years down the road and also the last question, why are we not choosing to use flexible funds that we could be using for child care subsidies to support these working families? I'll end by just showing you that this was a picture that my daughter drew on my notebook and I almost ripped the page off but I will tell you that my daughter had the privilege of myself and my husband, both working and being able to pay for child care for her so that she could go to school ready to learn and all these working families are struggling to make ends meet and cannot pay for child care and this child care subsidy puts people to work and taking it away will take away the workforce of this County.

My name is Tina Graziano, Forestville New York. First of all I want to congratulate Mr. Borrello on his victory.

It's been awhile since I spoke here, so you can tell by my tone, that the wind construction has ramped up and right now there are families in Arkwright suffering through this construction. Because I drive through Arkwright 4 times a day, I would like all of you to go and drive-thru Arkwright also and witness yourself the destruction taking place. You can't drive through without choking on the diesel exhaust and soot. The constant dump and concrete trucks speeding everywhere is certain to end in a tragedy. It seems they have been given free rein to ignore traffic rules in order to carry on, because of the money.

Arkwright's beauty is gone. Clear cutting old growth forests have ensured that tourism and hunting vacations will cease. The 20/20 plan will no longer include this area. It's devastated and now considered an industrial wind facility, because of the money.

Subsidy money seems to be the driving force amongst politicians. Have you researched the negative impacts these monstrous, anti-green turbines deliver? I hope you can look past the wind welfare money. We've been here many times, so you should have had time to study for us.

Mr. Horrigan, at a meeting earlier this year was seen giving a town supervisor a high-five following the supervisor's view on what he thinks is the beauty of a 500 foot industrial wind turbine. This is how decisions are made with our lives? Beauty in a supervisor's eye? How disgusting.

Mr. Niebel already picked his side, because he was resting his head on his hand and rolling his eyes while we spoke. This is what adds to the division of our community, because of the money.

I think it is a crime to ignore the many negative impacts that will be forced on us, and a crime to ignore the rights of the residents who oppose these projects in order to protect our families health & our homes, our biggest investment.

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We did our research and if anybody wants any info, ask me I'll be glad to share, because so far no one here has asked.

You probably didn't know there is a new study out on a suicides occurring by wind facilities. Lawsuits over this entire United States are abounding because of the residents suffering, and forced to live within these facilities. Yes, this should be a crime against humans.

Just remember, it's coming to your area too. So if you're not home when the traveling wind salesmen knock on your door, know this. They went to your neighbor's door and they answered and were invited in. So before long, you'll be singing the same tune as we are, and who do you think is going to listen to you? Thank you.

Karen Angstrom Harvey, 5189 West Lake Road, Mayville, New York. I just wanted to salute Ben. Ben, we'll miss you. You were a great citizen.

Regarding the wind turbines, three of them, three projects in our County. In the New York State Constitution requires that local officials protect, and I'm quoting, quote, "that local officials protect the health, safety and welfare of the community", unquote. All electricity energy sources are chosen because of their reliability, true cost to rate payers and taxpayers, proximity to demands centers and dispatch ability. Not based on short term economic gain to host communities. Studies around the country and Canada and Europe showed that when turbines are placed where people live, the net economic and social effect is negative. The only way that we can know if these projects are genuinely an asset is if we do a net financial analysis, a comprehensive objective study specific to our area to know the pros because the turbine companies tell us but what are the negatives? The negative impacts have been studied by many places like North Carolina State University, the London School of Economics. One of their studies shows a small community in northern New York State which was studied regarding the 10 major impacts, economic impacts on those communities. They came up with a – it was North Carolina State University, the figure they came up with was \$10 million dollars per year in negative costs due to the wind turbines that were proposed in that area. Now, an example in our area, local example of an economic impact. Turbines interfere with weather radar, air traffic radar, their traffic control, marine radar radio navigation, terrestrial television, and fixed radio (*inaudible*). Locally the County has just spent a huge amount of money on a P25 Phase II simulcast trunking radio system for use by fire police and others. Will wind companies pay for the expensive technically complex corrective measures when these systems fail? Television, most of the over the air television transmitter for the Buffalo market are in the Erie County community of Whales/Boston, from Mayville, this is also from Mayville. This means the proposed wind turbines, all three of the projects, where they are situated directly in the similar path between the transmitters and Mayville. However, even being not directly in the path can still result in potential problems. The (*inaudible*) is something known as multi-path. This is where part of the signal bounces off some object in the way and some of the signal arrives line of sight. The bounce signal arrives at the receive antenna slightly delayed. You do it with analog, this was called ghosting. Today's digital signals can also mean that there will be corrupt data and severe loss of signal. Radio, besides entertainment, radio we need to be concerned with the potential of interference to two way radio communications. Public safety, fire, police, ambulance, (*inaudible*) and other two way radio users. Ham radio and businesses have seen multi path issue can apply to these services and there is a mix of both digital and analog users. Should this interference arise after construction, how will you mitigate it? Will the wind farm companies be required to pay for cable or satellites service for those individuals and businesses desiring mitigation? I doubt there will be a good remedy and for two wave cellular people there is no alternative. (*Inaudible*) farms are situated where there is potential interference is nonexistent or minimal but when it's located in an area such as ours, it will very likely have a major impact. Another example, studies from independent experts have concluded tourism will drop in the region. For example, when North Carolina State University which is an avid wind proponent surveyed tourists they all said we love wind turbines but they were also asked would you vacation in an area where there are wind turbines. Eighty percent of the respondents said no, we would never vacation near the wind turbines. There are two other areas of economic impact and I've taken enough time, that are concerns to all of us.

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Agriculture, health problems, bats and birds. The premium of the economic situation is one that should be looked into and I encourage everyone to go to a website called wiseenergy.org where all of these sites are listed and all of the studies that are related to radio and television transmission are located at that sight. So thank you.

Chairman Himelein: Any other comments? O.k., at this time I would like to wish everybody a Happy and Prosperous Thanksgiving and for all your families and friends.

MOVED by Legislator Gould, SECONDED by Legislator Lemon and duly carried the meeting adjourned. (7:30 p.m.)

REGULAR SESSIONS

Wednesday, December 20, 2017, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wendel, the minutes were approved. (11/15/17)

1st Privilege of the Floor

Mrs. Karen Harvey – Mayville, N.Y. I'd like to speak to Local Law 13-17, the County Code of Ethics. You have on your desk is a film, the first 4 minutes of which – will allow you to see what is happening in Arkwright currently, along Rte. 79, Center Road., Rt. 83, Straight and Meadows Roads. I hope you will take a look, it's only four minutes long, the first part.

If the towns of this county respected this Code of Ethics that you have in your records here, there would be no industrial wind turbine factories put in this County. The net negative economic impact of these turbines will affect the entire County. Therefore the entire County should be informed about the industrialization of our rural, pristine, scenic hills and woodlands and the associated threat to our quality of life.

Concerning the Code of Ethics. I would like to suggest a County statute. A statute or regulation that would asks that the towns that are considering having industrial wind turbine factories in them, should notify you, the Legislators, this Legislature, that they are considering approving a proposal for those industrial wind turbine corporations. I would also ask that that regulation indicate that all citizens of the town should be notified that their town is considering the proposal of an industrial wind turbine factory in their midst.

This has happened in other places. The Town of Attica, N.Y. in neighboring Wyoming County has passed such a resolution. They felt that it as the ethical thing to do. They sent a questionnaire to every citizen of the Town of Attica and asked them if they wanted their board to approve the development of an industrial wind turbine factory in Attica. The citizens responded that they did not and the town board respected their wishes.

All over Chautauqua County, turbine companies may be talking to town boards, trying to sign them up before the Federal Production Tax Credits end. PTC's are what subsidizes them and keeps them going. It is important that the whole County is made aware of these negotiations. It's only ethical.

According to the Institute for Energy Research the official efficiency rate for wind turbines in western New York is only 24% so when the capacity rate for planned turbines is given as 128 megawatts for a 40,000 acre impact, the real figure is 30.72 megawatts. This equates to receipt of 24% of the money promised by turbine companies if the payment is based on megawatts produced.

NRG in Dunkirk, who gas produces electricity there, it occupies 98 acres and it can produce 435 megawatts of electricity using the newest, cleanest gas turbines available. Compare that with 40,000 acres for the production of 30.72 megawatts of intermittent, expensive, undispachable, and environmentally devastating power. Compare 40,000 acres to 98 acres, 40.72 megawatts to 435 megawatts. Please don't let these secret deals continue. Find a way to regulate so that we are informed because that's all we ask is ethical right to be informed to what is happening in our County. It's very important to us. Thank you.

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Good evening, I'm Tina Graziano, Forestville, N.Y., town of Villenova. I'd like to speak to Local Law 13-17, the County Code of Ethics Law. This concerns unethical behavior concerning industrial wind turbine projects.

My husband, a town board member, requested 3 times on public record, to notify all addresses in the township by postal mail of the pending industrial wind project. Two times noted, with no action, the 3rd time RES America agreed, but again no action was taken. They flat out lied to the public. My husband voted no to this project. Another member after voting yes that night, reacted to the public that showed up by saying, "I wished you would have come forward earlier in this process". They all replied with the same answer, "we were never notified till now" and now it's too late. Shameful what has been done without public input. How does the public find this out when the signed landowners are the only ones every updated? It is beyond normal comprehension that the wind companies feel that only the people inside, and 500 feet outside of the project area, as drawn by the wind company, are the only people that should be notified. Five hundred feet? That's the height of these turbines. That's misbehavior and a direct slam to every resident and taxpayer in this entire County. Certainly unethical in every form. The bare minimum requirements are only used for public notifications. A small ad in the legal notices is all that's required for public hearings. Myself and another resident put up posters and paid for ads in the local Pennysavers to get this info out to the residents. As hardworking taxpayers, we didn't have the money to support a mass postal mailing to all residents. Residents were still missed at the hearings. So underhanded and sneaky. This is how the wind companies work to avoid confrontation from public opposition. They often are not put on the meeting agendas, as they come and speak during the public speaking portion of the town meetings. I know this because I have seen this in different townships. They show up unannounced to the public, but certain landowners and supervisors seem to be privately notified. The board members and residents are left in the dark. Unethical, is the lawyer that is paid for by the wind companies to represent the town boards. He leads them by telling them only one side of the project. He tells them what they should do to keep money as the number one priority. This lawyer even played doctor at the hearings, by dismissing every health concern addressed. Some people actually thought this guy was legit because he worked for the town. Nope he's being paid by the wind company. All three projects have this same lawyer that is funded by the wind companies. How can this not be a considered a conflict of interest? If the boards turn down the project, his job is finished, but if he leads the boards to approve, he continues to remain on the payroll. You can't represent a group fairly, when you are being paid from the company that's making an incredible profit when the project is approved.

You have the supervisors and a Legislator or 2, say the lawyer is being paid by the township. Well, that's only on paper. The deposit comes from the wind companies and in turn the town writes his check. Politically correct in its purest form.

I'm asking tonight for you to adopt a statute or law that requires each town to inform the County Legislature and every citizen in each town that a wind corporation wishes to have that town approve the development of a wind factory in that said township. Allowing town supervisors and town board members to make these monumental decisions, without any background, or experience, without public input from everyone, and without being overseen by our County government, is absurd.

Look now at the destructive Arkwright project and all of their internal conflicts of interest. This will definitely affect every part of Chautauqua County. The vast and immense devastation throughout this township is so incredible that it should now only be classified as industrial and toxic. And that's not the only one. Two more projects are waiting in the wings. It won't stop until the public rises up and says, "no more", this is our home. Believe me, if we were all notified properly, these projects would have been terminated. Opposition is growing as residents are educating themselves. Please stop this shady practice of keeping residents in the dark. It's never an issue getting notified by mail when taxes are due.

The 2nd Amendment of the U.S. Constitution allows protective measures when local or upper levels of government refuse to act to protect the citizens of a community. The 9th and 10th Amendments provides the authority to do so.

Thank you and Merry Christmas to all.

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Chairman Himelein Anyone else to speak to the privilege of the floor?

My name is Paul Johnson and my address is 4421, Rte. 430, Bemus Point. I'd like to read the following resolution having been made and seconded was unanimously adopted by the Board of Directors of the Chautauqua Lake Partnership Incorporated. RESOLVED, That the Chautauqua Lake Partnership Incorporated, Board of Directors, on Tuesday, December 19, 2017, requests the Chautauqua County Legislature to amend the proposed resolution approved by the Planning & Economic Development Committee creating the Chautauqua Lake Protection and Rehabilitation Agency to add an additional position to the agency as follows: add a position to be filled by a year round resident Chautauqua Lake shoreline property owner, familiar with the lakes challenges and familiar and open to the use of all remedies to be utilized and considered and appointed by the newly elected County Executive so that the interest of all shoreline property owner interests are represented. Together with this amendment the Chautauqua Lake Partnership expresses its support for the proposed agency. Thank you.

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

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 11/15/17

COMMUNICATIONS:

1. Letters (4) - Co. Executive -Apptmts. To Various Boards & Commissions
2. Letter – H. Brooks – Resignation from Parks Commission
3. Email – Re: T. Dawes – Resigning from the Parks Commission
4. Letter – G. Reed – Resignation from N. County Indust. Water & Sewer Bd.
5. Designation of Deputies – PD's Office
6. Letter – Coroner Riles Resignation
7. Minutes – Chaut. County Soil & Water Conservation District – 11/2017
8. Minutes – Chaut. Lake & Watershed Management Alliance – 9/14/17
9. Letter to T/Ellery Town Clerk – Re: Notice of SEQRA: Lead Agency Designation from Chaut. Lake Association, Inc.
10. Quarterly Report – Small Business Development Center – 7/1-9/30/17
11. Letters (2) – NYS Depart. Of State – Ack. Receipt of LL's 9, 10, & 11-17
12. Letter – NYS Depart. Of Public Service – Re: Winter Outreach & Education Effort
13. 2018 Chautauqua County Budget

RENEW & AMEND RES. NO. 267-17 – North Chautauqua Lake Sewer District Fund Transfer

MOVED by Legislator Wendel: SECONDED by Legislator Bankoski to renew resolution 267-17. *Unanimously Carried*

WHEREAS, the North Chautauqua Lake Sewer District has funds available in the 2017 budget for pump replacements; and

WHEREAS, the District's pumps are not currently in need of replacement; and

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WHEREAS, as a result of phosphorous upgrades the County is now incurring sludge hauling expenses; and

WHEREAS, the Chautauqua Utility District provides sewage treatment services to some of the properties located within the bounds of the North Chautauqua Lake Sewer District, and the Chautauqua Utility District bills the North Chautauqua Lake Sewer District for such services; and

WHEREAS, unanticipated expenses for sludge hauling and an increase in the Chautauqua Utility District bills have resulted in a shortage of funds in the operating account; now therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATE ACCOUNT:

ESN.8130.8132.4	Contractual—Sewage Treatment	\$31,872	\$30,678
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DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.2	Equipment—Sanitary Sewers	\$31,872	\$30,678
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MOVED by Legislator Wendel: SECONDED by Legislator Nazzaro to amend -*Unanimously Carried*

RENEW & AMEND RES. NO. 267-17 – Unanimously Adopted as amended (See strikethrough for deletion and italics for new) – December 20, 2017

RENEW & AMEND RES. NO. 279-17 – Amend Chautauqua County Department of Health & Human Services 2017 Budget for Increase Child Care (Foster/Institutional) Costs

MOVED by Legislator Wendel: SECONDED by Legislator Bankoski to renew resolution 267-17. *Unanimously Carried*

WHEREAS, 2017 expenditures for Child Care (Foster/Institutional) are now projected to be in excess of the budgeted amount; and

~~WHEREAS, 2017 personal service expenditures are now projected to be lower than the budgeted amount; and~~

WHEREAS, 2017 departmental income for Child Care (Foster/Institutional) is now projected to be in excess of the budgeted amount; and

WHEREAS, Child Care (Foster/Institutional) costs are funded at 21% by the State of New York and at 38% by the Federal Government; now therefore be it

~~WHEREAS, Social Services Administration costs are funded at 11% by the State of New York and at 38% by the Federal Government; now therefore be it~~

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6119.----.4	Contractual-Child Care (Foster/Inst)	\$775,000	\$732,000
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DECREASE APPROPRIATION ACCOUNTS:

A.4017.JAIL.1	Personal Services—Clinics Jail	\$175,000	
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A.6010.-----1	Personal Services—Social Services Admin	\$280,000
	Total	\$455,000

INCREASE REVENUE ACCOUNTS:

A.6119.R181.9000	Departmental Income – Child Care	\$300,120
A.6119.R361.9000	NYS Aid – Child Care	\$162,750
A.6119.R461.9000	Federal Aid – Child Care	\$294,500
	Total	\$457,250

DECREASE REVENUE ACCOUNTS:

A.6010.R361.9000	NYS Aid – Social Services Admin	\$ 30,850
A.6010.R461.9000	Federal Aid – Social Services Admin	\$106,400
	Total	\$137,250

MOVED by Legislator Wendel: SECONDED by Legislator Bankoski to amend resolution 267-17. *Unanimously Carried*

RENEW & AMEND RES. NO. 279-17 – Unanimously Adopted as amended (Strikethrough indicates deletion – italics indicate new language) – December 20, 2017

MOTIONS: On file w/ Legislature Data)

9-17 Honoring 2017 as the 100th Anniversary of Women's Suffrage in New York State –
Unanimously Adopted

10-17 Calling on Governor Andrew M. Cuomo & the NYS Legislature to Restore Funding Support for Unattended Death Investigations – *Unanimously Adopted*

RES. NO. 295-17

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: 12/31/19

Gregory Jones
50 Lakeside Dr. B-305
Bemus Point, N.Y. 14712
Term Expires: 12/31/19

Jerry Park
1664 Rt. 83
Forestville, N.Y. 14062
Term Expires: 12/31/19

Dan Reininga
10445 Bayshore Dr..
Dunkirk, N.Y. 14048
Term Expires: 12/31/19

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John Watkins
2381 South Hill Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 296-17

Appointment to the Boards of North County Industrial Water District No. 1
and North County Industrial Sewer District No. 1

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

WHEREAS, the North County Industrial Water District No. 1 was created by Resolution 245-78 and the 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 are six years, with approximately half of the terms expiring in one year, and the remaining terms expiring three years later; and

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

WHEREAS, Glenn R. Reed, designated as a member of both Boards by Resolution 192-15, has resigned from the Boards; now, therefore, be it

RESOLVED, That the Chautauqua County Legislature appoints the following individual to serve on both the North County Industrial Water District No. 1 Board and the North County Industrial Sewer District No. 1 Board, to fulfill the remainder of Mr. Reed's term:

Michael F Przybycein
PO Box 111
2838 E. Main Rd
Sheridan, NY 14135
Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 297-17

Confirm Appointment & Re-Appointments - Chautauqua County Parks Commission

By Public Facilities Committee:
At the Request of Chairman David Himelein and Legislator John Hemmer:

REGULAR SESSIONS

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

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

New Appointment

Marla K. Connelly
4476 Lakeside Drive
Bemus Point, N.Y. 14712
Term Expires: 12/31/2020

Replacing Tom Dawes

Re-Appointments:

Ainsley Smith
PO Box 466
Sinclairville, N.Y. 14782
Term Expires: 12/31/20

Tom Erlandson
26 Valley Drive
Frewsburg, N.Y. 14738
Term Expires: 12/31/20

Martha Anderson
3615 Belleview Rd.
Bemus Point, N.Y. 14712
Term Expires: 12/31/20

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 298-17

Confirm Re-Appointment – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors

By Public Facilities Committee:

At the Request of Chairman David Himelein:

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 member to the Portland-Pomfret-Dunkirk Sewer District Board of Directors.

Paula Coats
10432 Shore Acres
Dunkirk, N.Y. 14048
Term Expires: 12/31/23

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 299-17

Confirm Re-Appointments - Chautauqua County Coroners

By Public Safety Committee:

At the Request of Chairman David Himelein:

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WHEREAS, two of the four offices of Coroner in Chautauqua County become vacant on January 1, 2018; and

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

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following persons as Chautauqua County Coroner for three year term to expire December 31, 2020.

Warren Riles
39 Main Street
PO Box 357
Forestville, N.Y. 14062

Francis Migliore, Jr.
415 East 4th Street
Jamestown, N.Y. 14701

Signed: Wendel, Whitford, Pavlock, Niebel

Unanimously Adopted – December 20, 2017

RES. NO. 300-17

Confirm Appointments & Re-Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

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

New Appointments

Matt Stafford
3181 Burton Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/2020

Nick Barter
61 Maple Ave.
Fredonia, N.Y. 14063
Term Expires: 12/31/2020

Re-Appointments:

Theresa Penhollow
PO Box 317.
Bard Rd
Cassadaga, N.Y. 14718
Term Expires: 12/31/19

William Johnston
401 Palmer St.
Jamestown, N.Y. 14701
Term Expires: 12/31/20

Warren Riles
PO Box 3573435
39 Main St.
Forestville, N.Y. 14062
Term Expires: 12/31/20

Joyce Matthews
41 E. Evans St.
Mayville, N.Y. 14757
Term Expires: 12/31/20

Darlene Morrison
6716 Main St.
Cherry Creek, N.Y. 14723
Term Expires: 12/31/20

Chris Roll
PO Box 452
83 Jamestown St.
Sinclairville, N.Y. 14782
Term Expires: 12/31/20

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Edward Brooks
70 Hunt Rd.
Jamestown, N.Y. 14701
Term Expires: 12/31/20

E. Lawrence Barter
9 Pine Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/2020

Signed: Wendel, Whitford, Pavlock, Niebel

Unanimously Adopted – December 20, 2017

RES. NO. 301-17
Confirm Appointment - Chautauqua County Health Board

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

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

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

Dr. Tariq Khan
PO Box 41
Lakewood, N.Y. 14750
Term Expires: 12/31/23

Signed: Lemon, Whitford, Pavlock, Wilfong, Rankin

Unanimously Adopted – December 20, 2017

RES. NO. 302-17
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:

Bernhard Auer
74 Center St.
Bemus Point, N.Y. 14712
Term Expires: 12/31/2020

Charles Patton
7316 Bailey Hill Rd.
Sherman, N.Y. 14781
Term Expires: 12/31/2020

David Pihl
29 Maple Dr. West
Mayville, N.Y. 14757
Term Expires: 12/31/2020

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Signed: Borrello, Chagnon, Odell, Starks, Niebel

Unanimously Adopted – December 20, 2017

RES. NO. 303-17
Close and Adjust Capital Projects

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

WHEREAS, the following capital projects have been completed and can be closed, or represent expenditures that were double-budgeted as equipment and capital projects

ESN.8130.700	NCLSD Facility Improvement (2001)
ESN.8130.704	Treatment Plant Upgrade (2008)
ESN.8130.28801	Grinder Pump Rehab
ESN.8130.28888	Pump Station Ctrl Cabinet (2016)
ESN.8130.28983	Tanker Truck (2017)
ESN.8130.28984	Replacement Pumps (2017)
ESN.8130.28985	Grinder Pump Replacement (2017)
ESN.8130.28986	Line Locator-Detector (2017)
ESP.8130.30987	PS 3 Pump Replacement (2017)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of the closed capital projects, any surplus or deficit be adjusted to the appropriate fund.

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

Unanimously Adopted – December 20, 2017

RES. NO. 304-17
Amend Personal Services Appropriation Accounts – NCLSD

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

WHEREAS, some North Chautauqua Lake Sewer District expenses have exceeded initial budgetary estimates, and some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 budget:

INCREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.8	Employee Benefits--Sanitary Sewers, Sanitary Sewers	\$6,000
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REGULAR SESSIONS

DECREASE APPROPRIATION ACCOUNT:

ESN.8120.8122.1 Personal Services--Sanitary Sewers, Sanitary Sewers \$6,000

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

Unanimously Adopted – December 20, 2017

RES. NO. 305-17

Authorize Federal and State Aid Applications for the Chautauqua County Dunkirk Airport Five-Year ACIP Plan (FY2018-2023)

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

WHEREAS, the Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems ("NPIAS"); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program ("ACIP"), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation ("NYSDOT") matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Chautauqua County Dunkirk Airport which are included in the current five-year ACIP plan:

- FY 2018 Update Runway 06-24 Runway Avigation Easements and Land Acquisition for Runway Protection Areas (RPZ)
- FY 2018 Replace Aviation Fuel Storage and Fueling Stations - Design & Construct (NYSDOT funding)
- FY 2019 Update Runways 15-33 Avigation Easements and Land Acquisition for Runway Protection Area (RPZ)
- FY 2019 Runway 06-24 On & Off Airport Obstruction Removal (Design & Construction)
- FY 2019 Rehabilitate Hangar No. 5 (NYSDOT funding)
- FY 2019 Replace Hangar No. 1 & 2 overhead doors (NYSDOT funding)
- FY 2020 Runway 15-33 Lighting Improvements (MIRL/PAPI/REIL/Wind Cone)

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FY 2020 Runway 15-33 Obstruction Removal (Design & Construction)
 FY 2021 Acquire Snow Removal Equipment (Blower)
 FY 2021 Environmental Assessment for Runway 24 Approach Lighting System (MALSR)
 FY 2023 Land Acquisition for Approach Lighting System to Runway 24 (MALSF)

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Borrello (P.F. Scudder voting "no")

Adopted w/ Legislator Scudder voting "no" – December 20, 2017

RES. NO. 306-17

Authorize Federal and State Aid Applications for the Greater Chautauqua -Jamestown Airport Five-Year ACIP Plan (FY2018-2023)

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

WHEREAS, the Greater Chautauqua - Jamestown Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems ("NPIAS"); and

WHEREAS, inclusion in the NPIAS makes the Greater Chautauqua - Jamestown Airport eligible for Federal grant funding under the Airport Capital Improvement Program ("ACIP"), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation ("NYSDOT") matching funds provide ninety-seven point five percent (97.5%) of the capital expense necessary to maintain the Greater Chautauqua - Jamestown Airport; and

WHEREAS, the NYSDOT also offers grant funding opportunities separate from Federal grant programs, which may be suitable for some projects and will provide ninety percent (90%) of the capital expense necessary for accepted projects; and

WHEREAS, the County of Chautauqua has an established program to annually review and update the Federal five-year ACIP plan and the six-year Chautauqua County Capital Project plan to identify essential requirements for maintenance of airport runways, taxiways, and other facilities as outlined in the Airport Master Plan; and

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore
 be it

RESOLVED, That the County Executive be and hereby is authorized to apply for Federal and State aid for the following projects at the Greater Chautauqua - Jamestown Airport which are included in the current five-year ACIP plan:

FY 2018 Airport Master Plan
 FY 2018 Replace Snow Removal Equipment (Tractor)
 FY 2018 Replace Hangar A Overhead Door – Design & Construct (NYSDOT)
 FY 2019 Rehabilitate Runway 07-25 (Design)
 FY 2019 Environmental Assessment for On & Off Airport Obstruction Removal
 FY 2019 Rehabilitate Airport Perimeter Fence (Design)
 FY 2019 Replace Hangar 4 Door

REGULAR SESSIONS

FY 2020 Rehabilitate Airport Perimeter Fence (Phase 1 Construction)
 FY 2020 Rehabilitate Runway 07-25 (Construction)
 FY 2021 On & Off Airport Obstruction Removal (Design & Permitting)
 FY 2021 Avigation Easement Purchase for Off-Airport Obstruction Removal
 FY 2021 Rehabilitate Runway Perimeter Fence (Phase 2 Construction)
 FY 2023 On & Off Airport Obstruction Removal (Construction)

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Borrello (P.F. Scudder voting "no")

Adopted w/ Legislator Scudder voting "no" – December 20, 2017

RES. NO. 307-17

Authorize Lease of Office Space at 2 Academy Street, Mayville for Chautauqua County Department of Mental Hygiene Administrative Offices

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

WHEREAS, the Department of Mental Hygiene and the Office of the Public Defender have been working in conjunction to find a solution for more space to meet the needs of their departments; and

WHEREAS, the Town of Chautauqua has additional space available to lease at 2 Academy Street, Mayville, New York for the Department of Mental Hygiene that after renovations will meet the Department of Mental Hygiene's needs and permit it to consolidate its administrative offices; and

WHEREAS, the Department of Mental Hygiene received \$95,468 in funding from the New York Care Coordination Program, Inc. ("NYCCP") for lead Health Home functions, which is not included in the 2017 Budget; and

WHEREAS, the Office of the Public Defender has \$17,000 allocated in its 2017 Budget for renovations and desires to transfer the funds to the Department of Mental Hygiene for use towards its renovations of the space located at 2 Academy Street, Mayville, New York; and

WHEREAS, the Department of Mental Hygiene intends to use the NYCCP funds, the Office of the Public Defender's transferred funds, and deferred revenues to pay for the renovations of the space located at 2 Academy Street, Mayville, New York; and

WHEREAS, the Department of Mental Hygiene expects the renovations to be completed by the first quarter of 2018 and intends to move its administrative offices immediately thereafter; therefore, be it

RESOLVED, That the Chautauqua County Legislature accepts the \$95,468 in funding from the NYCCP for lead Health Home functions and designates that said funding shall be used towards renovations of the available space located at 2 Academy Street, Mayville, New York; and be it further

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

Premises: Approximately 2,894 square feet of office space located at 2 Academy Street, Mayville, New York.

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Term: First Quarter 2018 (rent to commence upon move-in date) to December 31, 2023, with options to renew.
Rent: \$7.21 per square foot, totaling \$20,866 each year.
Utilities, Parking, and Maintenance: Included in rental rate.
Other: As negotiated by the County Executive.

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE REVENUE ACCOUNTS:

A.4320.----.R277.0000	Miscellaneous--Other Unclassified Rev	\$ 95,468
A.4320.----.R277.0000	Miscellaneous--Other Unclassified Rev	<u>\$ 32,532</u>
	Total	\$128,000

DECREASE APPROPRIATION ACCOUNT:

A.1170.----.4	Contractual—Public Defender	\$ 17,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual - Mental Hygiene Programs	\$145,000
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Signed: Hemmer, Nazzaro, Scudder, Gould, Lemon, Whitford, Pavlock, Wilfong, Rankin, Chagnon, Borrello, Muldowney

Unanimously Adopted – December 20, 2017

RES. NO. 308-17
Amend 2017 Budget – Print Shop

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

WHEREAS, some Print Shop department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Print Shop department has received revenues in excess of budget; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1670.----.4	Contractual – Print Shop	\$ 25,000
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INCREASE REVENUE ACCOUNT:

A.1670.R221.0002	Shared Services – Shared Services – Printing	\$ 25,000
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Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – December 20, 2017

REGULAR SESSIONS

RES. NO. 309-17

Amend Personal Services & Employee Benefit Appropriation Accounts – Emergency Services

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

WHEREAS, some Emergency Services 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 2017 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3989.EMT.1	Personal Services-EMT Training	\$10,000
A.3989.EMT.8	Employee Benefits-EMT Training	<u>\$ 3,000</u>
	Total	\$13,000

DECREASE APPROPRIATION ACCOUNTS:

A.3989.EMS.1	Personal Services-Fly Car Program	\$10,000
A.3989.EMS.8	Employee Benefits-Fly Car Program	<u>\$ 3,000</u>
	Total	\$13,000

Signed: Wendel, Whitford, Pavlock, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 310-17

Authorize Transfer of Capital Funds Among Capital Accounts

By Public Safety 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, one of these capital projects was not able to be completed; and

WHEREAS, based upon current estimates of some capital projects, some projects will have a budget surplus; and

WHEREAS, the Office of the Sheriff and the Office of Emergency Services would like to cooperatively build and utilize a pole barn; now therefore be it

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

DECREASE CAPITAL APPROPRIATION ACCOUNTS:

H.3110.06849.4	Contractual – Storage Pole Barn (2015)	\$55,660
H.3010.14960.4	Contractual—Emergency Services- Station Seven Improvements (2017)	<u>\$14,340</u>
	Total	\$70,000

JOURNAL OF PROCEEDINGS

DECREASE CAPITAL REVENUE ACCOUNTS:

H.3110.06849.R503.1000	Interfund Transfer—Interfund Transfer	\$55,660
H.3010.14960. R503.1000	Interfund Transfer—Interfund Transfer	<u>\$14,340</u>
	Total	\$70,000

ESTABLISH & INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3010.14998.4	Contractual – EMS/CCSO Pole Barn	\$70,000
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.3010.14998.R503.1000	Interfund Transfer – Interfund Transfer	\$70,000
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; and be it further

RESOLVED, That the Director of Finance, after making the amendments stated above, close capital account H.3110.06849 for any further expenditures, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of this closed capital account, any surplus or deficit will be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Wendel, Whitford, Pavlock, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 311-17

Authorize Agreement with Wayne County for Inmate Housing

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

WHEREAS, on occasion, the Chautauqua County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the Office of the Sheriff has negotiated a tentative agreement with Wayne County to house inmates at the current rate of \$85 per day, per inmate; and

WHEREAS, the Office of the Sheriff shall assume all medical costs for the inmates boarded in the Wayne County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Wayne County for the housing of inmates as set forth above.

Signed: Wendel, Whitford, Pavlock, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – December 20, 2017

REGULAR SESSIONS

RES. NO. 312-17
Authorize Acceptance of Aid to Prosecution Funds 2017-2018

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$54,460.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from October 1, 2017 through September 30, 2018; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2018 Adopted Budget includes appropriations and funding for this grant, but the grant award is in excess of the amount included in the Budget; now therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1165.----.1	Personal Services-- District Attorney	\$15,560
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INCREASE REVENUE ACCOUNT:

A.1165.R308.9000	NYS Aid--Other State Aid	\$15,560
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Signed: Wendel, Whitford, Pavlock, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 313-17
Increase Designated Fund Balance for Helicopter Operations

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

WHEREAS, Resolution 152-91 designated the balance of proceeds from the sale of one Hiller 12E helicopter for the operation of County police helicopters and established a separate account for such purpose; and

WHEREAS, these and subsequent proceeds also designated for the operation of County police helicopters were included in capital project H.3110.511; and

WHEREAS, Resolution 15-17 closed capital project H.3110.511 deferred and designated the unspent balance in H.3110.511 for future repairs and upkeep of County police helicopters; and

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WHEREAS, the Sheriff sold an OH-58 helicopter and desires to use the proceeds of the sale for future repairs and upkeep of County police helicopters; now therefore be it

RESOLVED, That appropriated fund balance be decreased as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$150,000.00

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE REVENUE ACCOUNT:

A.3110.-----R266.5000 Sale of Property/Compensa—Sale of Equipment \$150,000.00

Signed: Wendel, Whitford, Pavlock, Niebel, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 314-17

Amend 2017 Budget for Health & Human Services Payroll Realignment

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

WHEREAS, the Chautauqua County Legislature allocated certain monies for payroll and fringe benefits in the 2017 Budget; and

WHEREAS, the organization of the Health and Human Services Department's administration has changed from that which was in place at the time the 2017 budget was submitted; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010 .1	Personal Services – Public Health Admin	\$ 55,881
A.4010.8	Employee Benefits – Public Health Admin	\$ 28,828
A.4090 .1	Personal Services – Environmental Health	\$ 58,123
A.4090.8	Employee Benefits – Environmental Health	\$ 43,392
A.2960.ADMN.1	Personal Services – Educ Handicapped Children Admin.	\$ 36,027
A.2960.ADMN.8	Employee Benefits – Educ Handicapped Children Admin.	\$ 20,211
	Total	<u>\$242,462</u>

DECREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Public Health Admin Nursing	\$124,031
A.4010.NURS.8	Employee Benefits – Public Health Admin Nursing	\$ 76,831
A.4189.LEAD.1	Personal Services – Other Public Health Progs Lead Testing	\$ 26,000
A.4189.LEAD.8	Employee Benefits – Other Public Health Progs	

REGULAR SESSIONS

Lead Testing		<u>\$ 15,600</u>
	Total	\$242,462

Signed: Lemon, Whitford, Pavlock, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 315-17

Establish Chautauqua Lake Protection and Rehabilitation Agency Pursuant to Article 5-A of the County Law

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

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 algal blooms and excessive weed growth as a direct result of phosphorous inputs; and

WHEREAS, the United States Environmental Protection Agency and the New York State Department of Environmental Conservation completed a Total Maximum Daily Load ("TMDL") for Chautauqua Lake in 2012, which provides an official regulatory plan requiring substantial reductions in phosphorous inputs to Chautauqua Lake by 2018; and

WHEREAS, Chautauqua County prepared the Chautauqua Lake Watershed Management Plan ("CLWMP") and the Macrophyte Management Strategy ("MMS") for Chautauqua Lake to recommend strategies to protect and rehabilitate the Chautauqua Lake Watershed and Chautauqua Lake; and

WHEREAS, there is limited State and Federal funding available to assist Chautauqua County in its efforts to protect and rehabilitate Chautauqua Lake and its watershed, and the revenues generated by the Chautauqua County 2% Occupancy Tax Program for Lakes and Waterways are insufficient to fully implement the strategies recommended in the CLWMP and MMS; and

WHEREAS, Chautauqua County recognizes the need to develop a sustainable source of funding to implement water quality improvement projects and support lake maintenance activities in Chautauqua Lake and its watershed; and

WHEREAS, Article 5-A of New York State County Law authorizes the County to create a Lake Protection and Rehabilitation Agency to prepare maps and plans, and recommend to the County Legislature the creation or expansion of Chautauqua Lake Protection and Rehabilitation District(s) as may be necessary and in the best interest of the people of Chautauqua County; and

WHEREAS, Chautauqua County desires to form the Chautauqua Lake Protection and Rehabilitation Agency which will be tasked with making recommendations to the County Legislature regarding the formation of lake district(s) and other pertinent issues; therefore be it

RESOLVED, That the County Legislature hereby establishes a Chautauqua Lake Protection and Rehabilitation Agency pursuant to Article 5-A of the County Law, initially consisting of nine (9) members to serve without compensation, as follows:

Two (2) County Legislators representing legislative districts bordering Chautauqua Lake to be appointed by the Chairman of the County Legislature;

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Three (3) Town elected officials representing the towns bordering Chautauqua Lake to be appointed by the County Executive;

Two (2) Village elected officials representing the villages bordering Chautauqua Lake to be appointed by the County Executive;

One (1) property owner from the vicinity of Chautauqua Lake to be appointed by the County Executive; and

One (1) member representing Chautauqua Institution to be 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 Lake Protection and Rehabilitation Agency as later phases of the project are developed.

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

Unanimously Adopted – December 20, 2017

RES. NO. 316-17

Amend Personal Services Appropriation Accounts – Department of Planning & Economic Development

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

WHEREAS, the Department of Planning and Economic Development experienced unexpected appropriation modifications that were due to changes in personal and re-allocations between the two sub-departments; and

WHEREAS, the 2017 Budget, created in July 2016, needs to be modified to accommodate the resulting appropriation changes; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6420.----.1	Personal Services-Promotion of Industry	\$ 11,000
A.6420.----.8	Employee Benefits- Promotion of Industry	<u>\$ 11,000</u>
	Total	\$ 22,000

DECREASE APPROPRIATION ACCOUNTS:

A.8020.----.1	Personal Services-Planning	\$ 14,500
A.8020.----.8	Employee Benefits-Planning	<u>\$ 7,500</u>
	Total	\$ 22,000

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

Unanimously Adopted – December 20, 2017

REGULAR SESSIONS

RES. NO. 317-17

Authorize Modification of CCIDA Bond for Stoneman Industrial Park Spec Building

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

WHEREAS, pursuant to Resolution 84-01, the Chautauqua County Legislature authorized the purchase of a \$2.5 million bond from the County of Chautauqua Industrial Development Agency (CCIDA) to finance the construction of a "spec building" at the Stoneman Industrial Park; and

WHEREAS, a principal balance of approximately \$1.06 million dollars remains on the bond at an interest rate of 3% with the final payment due in 2023, and

WHEREAS, CCIDA has identified a purchaser for the building, ZTS Development, LLC, that intends to keep the current tenants that occupy the building, and also intends to consider expansion of the building for both the tenants, and

WHEREAS, payment of the CCIDA bond would continue to be secured by the spec building property, and it would be advantageous for the County to modify the bond in order to facilitate the private purchase of the facility; therefore be it

RESOLVED, That the County Legislature hereby authorizes the County Executive to modify the CCIDA bond for the Stoneman Industrial Park Spec Building to change the completion of the amortization of the bond from 2023 to 2032, and amending such other terms and conditions necessary to facilitate a sale of the facility, provided, however, that the interest rate on the bond shall remain at 3%.

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

Unanimously Adopted – December 20, 2017

RES. NO. 318-17

Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds to Remove Collapsed Concrete Abutment from Bemus Creek

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislator Pierre Chagnon:

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, a large concrete abutment associated with a former rail corridor has collapsed into the Bemus Creek tributary to Chautauqua Lake, which has the potential to result in debris accumulation, property damage and increased sediment deposition into Chautauqua Lake; and

WHEREAS, the Chautauqua County Soil & Water Conservation District recommends a remedy whereby the concrete will be broken down and the concrete rubble will be repurposed to provide streambank stabilization, thereby mitigating potential property damage and sediment deposition into Chautauqua Lake; and

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WHEREAS, the Chautauqua County Soil & Water Conservation District has the capacity to obtain an emergency permit from the New York State Department of Environmental Conservation ("NYSDEC") to implement the remedy; and

WHEREAS, the Chautauqua County Soil & Water Conservation District has prequalified equipment and labor suitable to implement the remedy at a cost not to exceed \$10,000; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$194,141; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$10,000 from the 2% Occupancy Tax Reserve to be dispersed to the Chautauqua County Soil & Water Conservation District for implementation of the remedy; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway	\$10,000
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;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration	\$10,000
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Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 20, 2017

RES. NO. 319-17

Authorizing Application to the NYS Office of the State Comptroller in Relation to the Extension of the South Chautauqua Lake Sewer District through the Hamlet of Stow for the West Side of Chautauqua Lake

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

WHEREAS, the Chautauqua County Legislature adopted Resolution 264-17 that approved the extension of the South Chautauqua Lake Sewer District through the Hamlet of Stow for the West Side of Chautauqua Lake at a maximum cost of \$16,888,000; and

WHEREAS, pursuant to County Law §258 it is required that the proposed extension of the South Chautauqua Lake Sewer District be approved by the NYS Office of the State Comptroller; and

WHEREAS, the County Law Department has prepared the necessary application for submission to the Office of the State Comptroller; now therefore be it

REGULAR SESSIONS

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.

Signed: Chagnon

Unanimously Adopted – December 20, 2017

RES. NO. 320-17

Approving Benefits and Wages 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 Civil Service Employees Association (CSEA Unit 6300) for a new one year labor contract covering the year 2018; and

WHEREAS, confidential employees and unrepresented employees (excluding Senior Aides) are not included in the CSEA Unit 6300 bargaining unit nor do they receive benefits and wages pursuant to local laws covering management employees; therefore be it

RESOLVED, That the County Executive is authorized and empowered to give such confidential employees and unrepresented employees (excluding Senior Aides) raises and benefits identical to those approved for the CSEA Unit 6300 bargaining unit.

Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - December 20, 2017

RES. NO. 321-17

Cancellation of Uncollectible Tax Liens

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

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

WHEREAS, if the governing body should determine there is also no practical method to enforce the collection of delinquent tax liens arising in the future against a particular parcel, it may

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direct the enforcing officer to issue a certificate of prospective cancellation, setting forth the relevant facts, and the parcel shall thereby become exempt from taxation until the governing body determines that the parcel should be restored to the taxable portion of the assessment roll; therefore be it

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

There is no practical method to enforce the collection of the delinquent tax liens against said parcels listed below, and that a supplementary proceeding to enforce collection of the tax would not be effective; and

There is no practical method to enforce the collection of delinquent tax liens arising in the future against said parcels listed below; and be it further

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

PARCEL ID	TOWN/VILLAGE	PROPERTY LOCATION	ASSESSED OWNER	CURRENT AMOUNT DUE	REASON FOR PROSPECTIVE CANCELLATION
066001-144.16-1-11	Portland/Brocton	64 Peerless St.	Ernest Brown	\$200,774.94	This property is a large brick former manufacturing facility. The former owner is deceased. The property is vacant and deteriorating with potential environmental concerns. The property has no value without extensive remediation.
063200-429.00-3-21.	Clymer	8661 Knowlon Rd.	Wassink Holdings LLC	\$8,080.95	This property is a vacant milk processing plant which is deteriorating with potential environmental concerns and has no value without extensive remediation.
067201-192.15-2-6	Westfield/Westfield	184 N. Portage St.	Wade Gollnitz	\$63,920.63	This property is a vacant gas station and auto repair facility. The property is vacant and deteriorating and has environmental concerns. The property has no value without environmental analysis and remediation.

Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

MOVED by Legislator Nazzaro, SECONDED by Legislator Wendel to amend as follows:

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

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

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

There is no practical method to enforce the collection of the delinquent tax liens against said parcels listed below, and that a supplementary proceeding to enforce collection of the tax would not be effective; and

There is no practical method to enforce the collection of delinquent tax liens arising in the future against said parcels listed below; and be it further

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

Underline indicates "new" language – Strikethrough indicates "deletion"

Unanimously Adopted – as amended - December 20, 2017

RES. NO. 322-17
Quit Claim Deed

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

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

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. 110-17; now therefore be it

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

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

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-199-2017	Ellicott	063889-337.00-1-20	Michael E Youngberg	\$ 50.00	\$ 4,105.25
				\$ 50.00	\$ 4,105.25

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Signed: Scudder, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - December 20, 2017

LOCAL LAW
INTRODUCTORY NO. 11-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 11-08 REGARDING THE COLD WAR VETERANS'
EXEMPTION FOR COUNTY REAL PROPERTY TAXES

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

Section 1. Purpose. As authorized by the Real Property Tax Law (RPTL), the County of Chautauqua adopted a Cold War Veterans' Exemption in 2008 with a maximum allowable exemption of \$6,000 for Cold War Veterans, and \$20,000 for Cold War Disabled Veterans. The original RPTL authorization allowed such exemptions for no more than ten (10) years, but in 2017 the RPTL was amended to authorize the County to remove the ten (10) year limitation. The purpose of this Local Law is to remove the ten (10) year limitation on the tax exemptions for Cold War Veterans and allow the exemption to continue for so long as veterans remain qualifying owners of qualifying real property.

Section 2. Amendment. Section 2 of Local Law 11-08 of the County of Chautauqua is hereby amended as follows:

2. Adoption of Exemption for Cold War Veterans. Pursuant to Subsection 458-b(2)(a)(ii) of New York State Real Property Tax Law, the exemption for Cold War Veterans is hereby adopted to the extent of fifteen percent of the assessed value of qualifying residential real property, to be effective as of the next taxable status date on March 1, 2009. Pursuant to Subsection 458-b(2)(b) of New York Real Property Tax Law, the exemption for Cold War Veterans with a service connected disability is also adopted, to be effective as of the next taxable status date on March 1, 2009. Notwithstanding the ten year limitation on the exemption for Cold War Veterans otherwise imposed pursuant to subsection 2(a)(iii) of §458-b of New York Real Property Tax Law, the exemption authorized pursuant to this Local Law shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten year limitation.

Section 3. Effective Date. This Local Law shall take effect immediately upon its filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this Local Law.

Emailed: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 1-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

LOCAL LAW

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 INTRODUCTORY NO. 12-17
 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. 2018 Adjustment of Salary Ranges.

Effective January 1, 2018, the management salary ranges established pursuant to Local Law 7-90, as amended, shall be further adjusted to reflect an increase of 3%, 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.

Emailed: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 2-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

 LOCAL LAW
 INTRODUCTORY NO. 13-17
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

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

SECTION I. Local Law 2-17 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

 Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

 Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government

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and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.
2. "Appear" and "Appear before" mean communicating in whatever form, whether personally or through another person.
3. "County officer or employee" means any officer or employee of the County, whether paid or unpaid, including Public officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.
4. "Dependent" means an individual who will be claimed by the County officer or employee as a dependent on the current year's State or Federal tax return.
5. "Family member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County officer or employee.
6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.
7. "Related person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County officer or employee's household, first cousin, aunt, uncle, niece, or nephew.
8. "Public official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County officer or employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:
 - i. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County

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officer or employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.

- j. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County officer or employee knows is considering or has had any transactions with the county that involves any discretionary act by the County officer or employee.
- k. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:
 - (vii) himself or herself;
 - (viii) a Family member;
 - (ix) any partnership or unincorporated association of which the County officer or employee is a member or employee or in which he or she has a proprietary interest;
 - (x) any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
 - (xi) any Person with whom the County officer or employee or his or her Family member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County officer or employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
 - (xii) any Person from whom the County officer or employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County officer or employee from performing a purely ministerial act.

Notwithstanding the above, a County officer or employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- l. solicit directly or indirectly any non-elected officer or employee of the County or any entity that is not subject to competitive bidding, to participate in an election campaign,

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or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.

- m. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.
- n. after termination of his or her term of office or employment with the County, Appear before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- o. no paid County officer or employee shall for two years after the termination of employment Appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

- p. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself or herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County officer or employee shall Appear before any County department or Agency which employs such County officer or employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County officer or employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County officer or employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County officer or employee who is an elected Public official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

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6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- d. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- e. audit bills or claims under the contract; or
- f. appoint an officer or employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County officer or employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County officer or employee.

Section 5. Interests in Contracts Pursuant to General Municipal Law

1. No County officer or employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County officer and employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County officers and employees shall be in compliance with County policies and procedures.

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County officer or employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public officials who are elected or paid shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement utilizing the 2018 disclosure statement form filed with the Clerk of the County Legislature.

- c. within thirty (30) days of taking office; and
- d. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the Public official shall file a signed amendment to the statement

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indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

2. If a Public official who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Public Officials; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

2. The following Public officials are subject to disclosure requirements:

Administrative Assistant
 Assistant Construction & Maintenance Supervisor
 Assistant County Attorney
 Assistant Deputy Director of Public Facilities (Buildings & Grounds)
 Assistant District Attorney
 Assistant Public Defender
 Assistant Social Services Attorney
 Assistant to Commissioner of Social Services
 Associate Public Health Engineer
 Board of Health Members
 Budget Director
 Chair of North Chautauqua County Water District
 Chair of the North Chautauqua Lake Sewer District Board
 Chair of North County Industrial Water/Sewer District 1
 Chair of the Portland Pomfret Dunkirk Sewer District Board
 Chair of South and Center Chautauqua Lake Sewer Districts Board
 Chautauqua County Land Bank Corporation Board Members
 Chautauqua Tobacco Asset Securitization Corporation Members
 Chief Information Officer
 Child Psychiatrist
 Clerk of the Legislature
 Commissioner of Elections
 Commissioner of Health Services
 Commissioner of Social Services
 Construction & Maintenance Supervisor
 Coroner
 Corrections Lieutenant
 County Attorney
 County Clerk
 County Executive
 County Fire Coordinator
 County Historian
 Deputy Clerk of the Legislature
 Deputy Commissioner of Social Services

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Deputy County Clerk
Deputy County Executive
Deputy Director of Central Services (Office Services)
Deputy Director of Central Services (Purchasing)
Deputy Director of Finance
Deputy Director of Planning
Deputy Director of Planning and Economic Development
Deputy Director of Public Facilities (Engineering)
Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)
Deputy Director of Public Facilities (Transportation)
Deputy Probation Director II
Deputy Public Health Director
Deputy Sheriff Captain
Director of Administrative Services
Director of Aging Health Services
Director of Certification
Director of Community Mental Hygiene Services
Director of Economic Development
Director of Emergency Services
Director of Environmental Health Services
Director of Finance
Director of Health & Human Services
Director of Human Resources
Director of Information Services
Director of Intermunicipal Services
Director of North Chautauqua Lake Sewer District
Director of Office for the Aging
Director of Office of Management and Budget
Director of Patient Services
Director of Planning
Director of Planning and Economic Development
Director of Portland-Pomfret-Dunkirk Sewer District
Director of Public Facilities
Director of Real Property Tax Services III
Director of Social Services
Director of South & Center Chautauqua Lake Sewer Districts
Director of Veterans Service Agency
District Attorney
Engineer III
Executive Assistant
Executive Director of the Chautauqua County Land Bank Corporation
Financial Analyst to Legislature
First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
First Assistant Social Services Attorney
First Deputy Director of Finance
Health Administrator
Insurance Administrator
Legal Counsel to the Legislature
Legislator
Manager of Airports

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Members of the Chautauqua County Soil and Water Conservation District
 Mental Hygiene Program Coordinator
 Personnel Technician
 Physician
 Planning Board Members
 Probation Director II
 Probation Supervisor
 Public Defender
 Public Health Director
 Purchasing Agent
 Purchasing Manager
 Real Property Systems Coordinator/Assistant Director
 Sanitation Supervisor
 Sealer of Weights and Measures
 Second Assistant County Attorney
 Second Assistant District Attorney
 Second Assistant Public Defender
 Senior Personnel Technician
 Senior Personnel Technician/Deputy Director of Human Resources
 Senior Project Coordinator (Transportation)
 Sheriff
 Social Services Attorney
 Special Assistant for Medicaid
 Special Projects Coordinator
 Supervising Clinical Psychologist
 Undersheriff
 Warden

All other officers or employees who are authorized to approve vouchers, purchase orders, contracts and payroll such as purchasing clerks and purchasing agents.

2. Before May 15th of each year, the County Executive shall verify that every affected Public official has filed his or her annual disclosure statement.

3. Failure of the County Executive or the elected officer to comply with this section shall not relieve any Public official who is elected or paid from his or her duty to file an annual disclosure statement pursuant to this Code of Ethics.

4. All officials and employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual training, to be implemented by the County Department of Human Resources at the time of hire for new employees, and to be held between January 1 and March 30 of each year for existing employees, to inform and educate them as to the requirements of this Code. All those subject to the requirements of this Code are also to receive an updated and current version of this Code, or other appropriate training material, immediately prior to or during their annual training.

Section 10. Reporting Violations.

All County officers and employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that

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all or part of the information in the report is false is a violation of this Code and may result in penalties as provided herein.

Section 11 . Inducement of Violations

Any Person, whether or not a County officer or employee, who intentionally induces any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County officer or employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County officer or employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County officer or employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms, with three terms expiring in odd years and two terms expiring in even years. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- k. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;

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- l. Review with Public officials the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- m. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- n. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- o. Render advisory opinions upon request of any County officer or employee;
- p. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- q. Prepare an annual report and recommend changes or improvements to the Code of Ethics;
- r. Perform such other related duties as requested by the County Executive;
- s. Meet at least four times a year, and publish notice of meetings and the names of Ethics Board members in the County's official newspapers. In addition, notice of meetings shall be furnished to radio stations located in the County; and
- t. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

SECTION II. This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 3-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

Privilege of the Floor

My name is Jake Szumigala, I live in the Town of Arkwright. (*Inaudible*), municipalities, turn their back on every single one of us. In 2002 this project was promoted to the Town of Arkwright. We unanimously showed our opposition to it and from then on we heard nothing until February of last year when half of the residents received manila envelopes from the Army Corp of Engineers and half of them received nothing. In February they started dropping trees every single day. Seven hundred and fifty acres of trees have been cleared. Owls, hawks, birds of prey that normally fly at night, were displaced in the middle of the day in March. I spotted three bald eagles this past summer. I talked to the DEC, there's a 175 breeding pairs of bald eagles that use the fly space from Lake Erie to Canada

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way. So I did a little bit more research. Eighteen thousand raptors were killed through the United States in 1997 to 2002. Half of those were bald eagles. Only six of them were publically announced. The rest of them were destroyed in Denver. Now every single one of you stood and said the Pledge of Allegiance to that flag. I am sure that every single one of you will stand when the National Anthem is played and you'll thank a serviceman for their service to this great nation. Anybody that would entertain the idea to give a wind mill company the ability to operate and destroy our national symbol in the bald eagle under 50-22 Federal regulated permit, through our past President passed in January of 2017 is acceptable, I'm disgusted at the look of any of ya's. To look at what they have done to my home, to look at what they have done to my town, is a disgrace. In a township that was zoned 67.5% residential/agriculture, no residential or never industrialized, never commercialized. Every single day for the last 9 months I have dealt with noise, dust, disruption, diesel fumes coming through my property, total disregard to anything as far as public safety, public appreciation, peace and quiet and I've worked construction for 14 years and I delivered concrete to (*inaudible*) County by Darin Lake and I had residents show me that I was number one in their world every day that they saw me. I've never quite understood why until now. We should never of had these turbines put in our backyards. The Vista 900's which are being promoted, 1,300 feet is what the workers are designed to be away from when they are in operation. Some of these are going 1,500 to 1,800 feet behind residents and homes. They should never had been put there. Our municipalities never gave us an open vote, but by God they made sure that they plastered little Arkwright picnic signs every 500 feet on every main roads so everybody knows where the picnic is and we were never notified of any vote at any time because they knew the opposition was strong. Please, if you don't want people to be forced from their homes that they have had and properties that they have had in their families for hundreds of years, please don't let these go any further. Do your due diligence to look at the health effects, the risks, the damage that they do to the environment. You look at the lawsuits from Kansas, from California, all the way to Michigan, every lawsuits states the same things. The same health effects. How can so many people be wrong in just this country alone? Not to mention Australia and Spain and the UK, and Germany where the God fathers of the wind mills back in the 80's who are now thinking about going back to coal because they realize the undependability that these wind turbines are. They are subsidized. The Green Energy Act of 2009 was the most disgusting thing I've ever seen and the provisional government created 21 articles to (*inaudible*) municipalities throughout the whole providence. They put hundreds of them up behind people's homes for financial gain and that's it. They are not green, they are not good for the environment. If anybody thinks that they are, look at yourself in the mirror and call yourself a fool, because they are not. They are pushing people out of their homes and they are destroying our landscape that we have all busted our asses for, to make what we have and to make a home out of what they are. It's one thing to leave it when you want to, it's another thing to be forced away from it because you can't deal with it. I have my two kids right there. The health risks and the side effects are not something that I'm willing to take a chance on putting my kids through. If any single one of you ever sees what these monsters look like and what they have done, ask yourself if you want them in your backyard. Thank you for your time.

My name is Jacob Szumigala, that was my father who just spoke with you. I live in the Town of Arkwright as he said. I've spent my 11 years on earth in this Town. My parents have worked so hard for the place that we have. They made the land that I live on home. These wind turbines they are destroying it. My Grandmother was born and lived briefly, not even a half a mile from where I live right now. I just can't stand the thought of being forced from my home and my town by these wind mills. I went out not two mornings ago and I can't even have peace and quiet outside without the sound of backup alarms, bulldozers and cranes on Straight Road. There's a giant crane already and they are setting one up on Center Road. I don't want to be forced from my home and I'm sure none of you would want to be forced from yours. Thank you for your time.

MOVED by Legislator Lemon, SECONDED by Legislator Gould and duly carried the meeting was adjourned. (7:38 p.m.)