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4. Letter – Co. Executive Edwards – Re: CLMC Resignation – Bill Evans
5. Report – Fn. Director Schulz – December 2008 Investment Results
6. Letter – Fn. Director Schulz – Re: Annual Report Aaron Putnam Fund for the Blind – YE 12/31/08
7. Letter – Chaut. Co. Soil & Water Conservation District – Re: Appts.
8. Draft Minutes – Chaut. Co. Soil & Water Conservation District – 12/18/08
9. Letter – Chaut. Co. Environmental Management Council – Re: Scope Comments
10. Letter – Chaut. Co. Water Quality Task Force – Re: Scope Comments – Gas Drilling
11. Letter – NYS Assemblyman Parment – Ack. Receipt of Motion 12-08
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16. Letter – NYS Depart. Enviro. Conservation – Re: Violation – Jmst. Vet. Hspt.
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18. Letter – V. of Lakewood – Re: Nomination to CLMC from Mayors Organization
19. Bond Anticipation Note - \$9,996,000
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21. Proof of Publication – Public Hearing – CTASC Lease

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1. Letters (5) County Executive - Re: Appts. & Re-Appts. Emerg. Medical Servs.; Ethics Bd.; Community Servs. Bd.; Health Board; Soil & Water Conservation Bd.
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4. Minutes – Chaut. Co. Soil & Water Conservation District
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1. Proof of Publication – Re: Public Hearing – Realty in City of Dunkirk
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3. Letter – County Exec. – Re: Appt. –Director/Planning & Econ. Development
4. Minutes – Chaut. Co. Soil & Water Conservation District
5. Minutes – STW Reg. Planning & Development Bd. – Feb. 09
6. Report – Fn. Dir. D. Schulz – Re: January 2009 Investment Results
7. Quarterly Report – Re: Small Business Developmt. Center (10/1/08-12/31/08)
8. Letter – Orrick – Re: Ack. Receipt of documents regarding Res. No. 29-09
9. Letter – Assemblyman Tedisco: Ack. Receipt of Motion's: 4 & 5-09
10. Letters (2) – Assemblyman Giglio: Ack. Receipt of Motion's: 2, 3, 4, & 5-09 and Res. No. 30 & 31-09
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3. Letter – Chaut. Water Quality Task Force – Apptmt. Request to CLMC
4. Letter – Chaut. Lake Assn. – Apptmt. Request to CLMC
5. Minutes – Chaut. County Youth Board – May/2009
6. Draft Minutes – Chaut. Co. Soil & Water Conservation Dist. – March/2009
7. Letter – Dept. of State – Re: Ack. Receipt of LL 3-09
8. Letter – Senator Young – Re: Ack. Receipt of Motions 2, 3, 4, & 5-09
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2. Quarterly Report – NYS Small Business Development Center
3. Draft Minutes – Chaut. Co. Soil & Water Conservation District
4. Letter – NYS – Re: Sealed Bid Auction of Surplus Property/T. of Ellicott
5. Letter – NYSAC – Ack. Receipt Motion 5-09
6. NYSDEC – Fish & Wildlife Monthly Highlights (3/16-4/15/09)
7. 2010 Capital Budget & 2011-2015 Capital Plan

July 29, 2009

1. Report – Fn. Director Schulz – June 2009 Investment Results
2. Minutes – NYS Fish & Wildlife Management Board – June/2009
3. Highlights – Fish & Wildlife Monthly – 1/15/09 – 3/15/09
4. Letter – NYSDOT – Re: Sealed Bids- Surplus Property/Town of Ellicott
5. Annual Report – 2008 – Community Foundation
6. Proof of Publication – Public Hearing –JCC Lse. –Jmst. Airport
7. Director's Report – Youth Bureau
8. Chaut. County Home Leg. Review Sub-Comm. Report
9. NYSDEC – Public Notice – Inactive Hazardous Waste Disposal Site Delist Notice n- Falconer, N.Y.
10. Town of Chaut. – Re: Establishment of Water District #3
11. Chaut. Co. Soil & Water Conservation District Minutes – June/2009
12. Letter – Schoharie County – Re: Resolution Requesting NYS to Take Back Local Share of Medicaid as a Component of True Medicaid Reform
13. NYSRPS – Re: Certified 2009 State Equalization Rates
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15. Res. Fulton County – Re: Opposing Various Proposed Anti-Gun Owner Legislation in NYS
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12. Letter – City of Dunkirk Mayor Richard Frey re: Bed tax funding request for Dunkirk Light the Lakes
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6. Letter – Doug Conroe – Re: Waterbody Impairments
7. Letter – John Knutson, PhD – Yale Univ. – Re: Phosphates
8. Letter – NYS Lawn Care Assn. – Re: Phosphate
9. Report – NYS Fish & Wildlife–Monthly Highlights 7/16-8/15/09
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12. NYS Assembly Giglio – Ack. Receipt of Motion 8-09
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15. News Release – STW Regional Planning & Development Bd. – Sept./2009
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18. Res. – Allegany Co. Bd. Of Leg. – Re: Appalachian Develop. Highway System.

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1. Proof of Publication – Budget & Sewer District Public Hearings
2. Letter – County Executive Edwards –Re: Appts: Chaut. Co. Youth Board
3. Statement – County Executive Edwards – Re: Phosphate LL Intro. 7-09
4. Annual Report – County Clerk – 2008
5. Email – Re: 2010 Budget – J. Walker
6. Letter – Gov. Paterson – Re: Ack. Receipt of Motion 10-09
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11. Letter – NYSAC – Re: Ack. Receipt of Motion 10-09
12. Draft Minutes – Chaut. Co. Soil & Water Conserv. District – Sept. 2009
13. Letter – Allegany Leg. – Res. Proposed Anti-Gun Owner Legislation
14. Highlights – NYS Fish, Wildlife & Marine Resources
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9. Report – Fn. Director Schulz – October 2009 Investment Results
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4. Letter – Senator Young – Ack. Receipt of Motions 9 & 11-09
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Chautauqua County Legislature
Organizational Meeting
Wednesday, January 2, 2009, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Jankowski George called the Organizational Meeting to order at 4:00 p.m. and announced a quorum present. (Absent: Hallquist, Mueller)

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

RES. NO. 1-09, Appointment of John W. Runkle as Legislator from District 6, Towns of Pomfret and Stockton, by Legislator Croscut – R/C Vote: 23 Yes; 2 Absent - UNANIMOUSLY ADOPTED

ELECTION OF CHAIRMAN

Clerk Jankowski George: We will now open up the floor for nominations for Chairman of the Legislature.

Legislator Kindberg: I would like to submit the name of Keith Ahlstrom for Chairman of the Legislature.

Legislature Wilder: I will second that motion.

Clerk Jankowski George: Is there any other nominations from the floor?

Legislator Croscut: It is with a great deal of pride and an honor to nominate Mr. James Cafilisch for Chairman of the Chautauqua County Legislature.

Mr. Cafilisch is the most senior ranking Legislator in this Legislature. He is very loyal to this institution and the responsibilities it has to represent the people's voice in County government. He has worked across the aisle on many different issues with many Legislators. He has served previously in the leadership as the Assistant Majority Leader, Majority Leader, and Minority Leader. He has previously served on Public Works, Finance, Financial Management, Audit & Control and Planning & Economic Development Committees, and he now serves on the Administrative Services Committee. In addition, he had served on many different boards and ad hoc committees in the County.

He is also very active in his community serving as a member of the Clymer Community Foundation and on the French Creek Board of Assessment Review.

He is a close friend and it has been my great pleasure to work very closely with him since I joined this Legislature.

Legislator Babbage: It would be a great honor to second this nomination to the person who has the longest tenure in this august body.

Clerk Jankowski George: Are there any other nominations for Chairman?

Legislator Lemon: I move that we close the nominations.

Legislator DeJoe: Second.

Clerk Jankowski George: All in favor?

Unanimously Carried

Clerk Jankowski George: Please indicate by stating the name of the person you wish to vote for.

Ahlstrom: 14 Votes

Cafilisch: 9 Votes

Clerk Jankowski George: Congratulations Mr. Ahlstrom. Please come forward.
(Applause)

Acceptance Speech by Chairman

Chairman Ahlstrom: Since I get time for an acceptance speech, I said that I wouldn't make one. I did say that I would thank the office staff for all of the hard work that they do. I would like to thank the caucus and all of the Legislators for the privilege of working with you and for you and with that, let's continue with the agenda.

1ST Privilege of the Floor

No one chose to speak at this time.

(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 2009 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Ahlstrom, Beightol, Cornell, DeJoe, Heenan, Huckno, James, Keefe, Kindberg, Kleparek, Mueller, Nazzaro, Wilder

(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 2009 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: Babbage, Barmore, Cafilisch, Croscut, Gould, Park, Richmond

APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

We, the undersigned being a Majority of the Democratic members of the Chautauqua County Legislature hereby designated Legislator Maria Kindberg as Majority Leader of the Chautauqua County Legislature for the year 2009 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as Assistant Majority Leader, Legislator Rudy Mueller.

Signed: Ahlstrom, Beightol, Cornell, DeJoe, Heenan, Huckno, James, Keefe, Kindberg, Kleparek, Mueller, Nazzaro, Wilder

APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being a Minority of the Republican members of the Chautauqua County Legislature hereby designated Legislator Fred Croscut as Minority Leader of the Chautauqua County Legislature for the year 2009 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as Assistant Minority Leader, Legislator Douglas Richmond.
Signed: Babbage, Barmore, Caffisch, Croscut, Gould, Lemon, Park, Richmond, Runkle

RES. NO. 1-09

Appointment of John W. Runkle as Legislator from District 6, Towns of Pomfret and Stockton

At the Request of Minority Leader Fred Croscut:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of Brian C. Abram, District 6; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 6, (Towns of Pomfret and Stockton) Committees recommending the appointment of John W. Runkle of 223 Dale Drive, Cassadaga, N.Y.; and

WHEREAS, a Certificate of Acceptance has been received from John W. Runkle; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, John W. Runkle is hereby appointed Legislator from District 6, comprised of the Towns of Pomfret and Stockton

Signed: Croscut

Unanimously Adopted – January 2, 2009

RES. NO. 2-09

Appointing Clerk of the Legislature

At the Request of Chairman Keith D. Ahlstrom:

RESOLVED, That Janet Jankowski George, 415 Lord Street, Dunkirk, New York be and hereby is appointed Clerk of the Chautauqua County Legislature, to serve at the pleasure of the Chairman of the Legislature, at an annual salary of \$37,335.34.

Signed: Ahlstrom

Unanimously Adopted – R/ C Vote: 23 Yes; 2 Absent - January 2, 2009

RES. NO. 3-09

Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Chairman Keith D. Ahlstrom:

RESOLVED, That Lori J. Foster, P.O. Box 105, Portland, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2009, at a salary of \$18.75 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 of the Chautauqua County Legislature for the year 2009, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$2,400.00, effective January 1, 2009.

Signed: Ahlstrom

Unanimously Adopted – R/ C Vote: 23 Yes; 2 Absent - January 2, 2009

RES. NO. 4-09
Designation of Official Newspapers – 2009

At the Request of Chairman Keith D. Ahlstrom:

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 2009 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Ahlstrom

Adopted w/ Lemon voting "no" – January 2, 2009

RES. NO. 5-09
Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature

At the Request of Chairman Keith D. Ahlstrom:

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

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

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

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

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

RESOLVED, That this resolution will be effective from this date until December 31, 2009.

Signed: Ahlstrom

Unanimously Adopted – January 2, 2009

RES. NO. 6-09
Confirm Appointment – Public Defender

At the Request of Chairman Keith D. Ahlstrom:

RESOLVED, That William F. Coughlin, 39 Curtis Place, Fredonia, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2009 at an annual salary of \$82,400.00 for 95% time.

Signed: Ahlstrom

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent - January 2, 2009

RES. NO. 7-09
Authorize Public Hearing on Lease with CTASC at Chautauqua County Airport in Jamestown

By Chairman Keith D. Ahlstrom and Legislator Fred Croscut:

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such an agreement; it is therefore

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held before this Legislature on the above-referenced proposed lease agreement with CTASC on January 28, 2009 at 6:35 p.m. 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 notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Ahlstrom, Croscut

Unanimously Adopted – January 2, 2009

EMERG. RES. NO. 8-09
Confirm Appointment of Chairman to the Chautauqua Lake Management Commission

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Pursuant to Resolution 133-05 and 182-05, the County Legislature established the Chautauqua Lake Management Commission with William Evans as the initial chairman and nine (9) members appointed by various entities subject to confirmation by the County Legislature; and

WHEREAS, the Chautauqua Lake Management Commission has received a resignation letter from William Evans as the Chairman of the Chautauqua Lake Management Commission; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of Lyle T. Hajdu of 4350 W. Summit Ave., Lakewood, N.Y. as Chairman of the Chautauqua Lake Management Commission to serve the balance of the term expiring June 30, 2009.

Signed: Ahlstrom

Unanimously Adopted – January 2, 2009

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator DeJoe, SECONDED by Legislator Caffisch and duly carried the meeting was adjourned. (4:17 p.m.)

Regular Legislative Meeting
Wednesday, February 4, 2009
(rescheduled date)
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: Barmore, Croscut, DeJoe, Gould)

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

MOVED by Legislator Heenan, SECONDED by Legislator Lemon and duly carried, the minutes were approved. (12/17/08).

1st Privilege of the Floor

No one chose to speak at this time.

6:35 P.M.

PUBLIC HEARING
AUTHORIZING LEASE W/ CTASC AT
CHAUTAUQUA COUNTY AIRPORT/JMST.

Chairman Ahlstrom opened up the public hearing at 6:35 p.m. with no one attending and then closed the meeting

COMMENDATION:

BRIAN C. ABRAM
BY CHAIRMAN AHLSTROM &
ASSISTANT MINORITY LEADER
DOUG RICHMOND

PRESENTATION:

NYS OFFICE OF REAL PROPERTY SERVICES
STUDY ON COUNTYWIDE ASSESSING
JOSEPH PASSAFIUME

COMMUNICATIONS:

1. Certificate to Fill Vacancy; Certificate of Acceptance; Acknowledgement – John W. Runkle - Chautauqua County Legislator – District 6
2. Letters (5) – Co. Executive Edwards – Appts. & Re-Appts.; Disaster Preparedness Commission; Chaut. Co. Airport Commission; Southern Tier West Regional Planning; Youth Board; Industrial Development Agency
3. Letter – Co. Executive Edwards – Re: CLMC Resignation – Terry Turner
4. Letter – Co. Executive Edwards – Re: CLMC Resignation – Bill Evans
5. Report – Fn. Director Schulz – December 2008 Investment Results
6. Letter – Fn. Director Schulz – Re: Annual Report Aaron Putnam Fund for the Blind – YE 12/31/08
7. Letter – Chaut. Co. Soil & Water Conservation District – Re: Appts.
8. Draft Minutes – Chaut. Co. Soil & Water Conservation District – 12/18/08
9. Letter – Chaut. Co. Environmental Management Council – Re: Scope Comments
10. Letter – Chaut. Co. Water Quality Task Force – Re: Scope Comments – Gas Drilling

-
11. Letter – NYS Assemblyman Parment – Ack. Receipt of Motion 12-08
 12. Letter – NYS Assemblyman Giglio – Ack. Receipt of Motion 12-08
 13. Letter – NYS Department of State – Ack. Receipt of LL's 11,12, & 13-08
 14. Letter – NYS Department of State – Ack. Receipt of LL 14-08
 15. Letter (Faxed 12/17/08) – Concerned Citizens – Re: Opposing Raises
 16. Letter – NYS Depart. Enviro. Conservation – Re: Violation – Jmst. Vet. Hspt.
 17. Letter – Hodgson Russ LLP – Re: Noble Ball Hill Windpark
 18. Letter – V. of Lakewood – Re: Nomination to CLMC from Mayors Organization
 19. Bond Anticipation Note - \$9,996,000
 20. Certified Copy of 2009 Chautauqua County Budget
 21. Proof of Publication – Public Hearing – CTASC Lease
-

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 12/17/08

MOTION: (On file w/ 2/4/09 Legislative Data)
1-09 Proclaiming Black History Month - Unanimously Adopted

RES. NO. 9-09

Confirm Appointments – Chautauqua County Industrial Development Agency

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Industrial Development Agency.

Gregory T. DeCinque 636 Winsor Street Jamestown, NY 14701	Term Expires: 12/31/11
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David B. Bryant 5212 Ellicott Road Brocton, NY 14716	Term Expires: 12/31/11
--	------------------------

Signed: Heenan, Croscut, Kindberg, Hallquist

Unanimously Adopted – February 4, 2009

RES. NO. 10-09

Confirm Appointment of New Representative from Chautauqua Lake Association to Chautauqua Lake Management Commission

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

WHEREAS, Pursuant to Resolution 133-05, the County Legislature established the Chautauqua Lake Management Commission with William Evans as the initial chairman and nine (9) members appointed by various entities subject to confirmation by the County Legislature; and

WHEREAS, the Chautauqua Lake Association was one of the nine entities represented on the Chautauqua Lake Management Commission by representative Terry Turner, 3126 N. Main Street Extension, Jamestown, NY 14701; and

WHEREAS, Terry Turner tendered her formal resignation from the Chautauqua Lake Management Commission on December 31st 2008; and

WHEREAS, a nomination has been received from the Chautauqua Lake Association for a new representative to fill the existing vacancy on the Chautauqua Lake Management Commission; now therefore be it

RESOLVED, That the Chautauqua County legislature hereby confirms the appointment of the following member to the Chautauqua Lake Management Commission to serve a term expiring June 30, 2009.

P. Christian Yates
800 Lakeview Avenue
Jamestown, New York 14701

Signed: Heenan, Croscut, Hallquist, Kindberg

Unanimously Adopted – February 4, 2009

RES. NO. 11-09

Confirm Appointment of New Representative from Chautauqua County Conference of Mayors and Supervisors to Chautauqua Lake Management Commission

By: Planning & Economic Development Committee:
At the Request of: Chairman Keith D. Ahlstrom:

WHEREAS, Pursuant to Resolution 133-05, the County Legislature established the Chautauqua Lake Management Commission with William Evans as the initial chairman and nine (9) members appointed by various entities subject to confirmation by the County Legislature; and

WHEREAS, the Chautauqua County Conference of Mayors and Supervisors was one of the nine entities represented on the Chautauqua Lake Management Commission by representative Lyle T. Hajdu, 4350 W. Summit Avenue, Lakewood, NY, 14750; and

WHEREAS, a nomination has been received from the Chautauqua County Conference of Mayors and Supervisors; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following member to the Chautauqua Lake Management Commission to serve a term expiring June 30, 2009.

Sally P. Carlson
North Harmony Town Supervisor
PO Box 176
Stow, New York 14785

Signed: Heenan, Croscut, Kindberg, Hallquist

Unanimously Adopted – February 4, 2009

RES. NO. 12-09

Confirm Appointments & Re-Appointments - Chautauqua County Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Legislature Chairman Keith Ahlstrom, 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 appointment to the Agriculture & Farmland Protection Board for terms in accordance with Section 302 of the Agriculture & Markets Law:

Steve Baran
Chmn. Ag. & Farmland Protection Bd.
191 West Main Road
Westfield, N.Y. 14787
Term Expires: 12/31/2012

Dennis Rak
10277 Christy Road
Fredonia, N.Y. 14063
Term Expires: 12/31/2012

Frank Walker
3828 Sprague Hill Road
Falconer, N.Y. 14733
Term Expires: 12/31/2012

Fred Croscut
Chmn. Soil & Water Board
3375 Waits Corner Road
Sherman, N.Y. 14781
Term Expires: 12/31/2012

Legislator Frank "Jay" Gould
70 Hoag Road
Ashville, N.Y. 14710
Term Expires: 12/31/2012

Brian Aldrich
3146 E. Main Road
Dunkirk, N.Y. 14048
Term Expires: 12/31/2012

William Daly, Director
Planning & Economic Development
200 Harrison St.
Jamestown, N.Y. 14701
Term to Co-terminus with title

Stephen Kimball
3456 Drybrook Road
Falconer, N.Y. 14733
Term Expires: 12/31/2012

Alice Growley, Director
Real Property Tax Service
3 North Erie Street
Mayville, N.Y. 14757
Term to Co-terminus with title

Ginny Carlberg
Cornell Cooperative Extension Agent
1621 Carlberg Road
Jamestown, N.Y. 14701
Term Expires: 12/31/2012

Signed: Heenan, Croscut, Kindberg, Hallquist

Unanimously Adopted – February 4, 2009

RES. NO. 13-09

Confirm Re-Appointment - Chautauqua County Disaster Preparedness Commission

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

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Disaster Preparedness Commission.

Mark Goshgarian
230 Schuyler St. Apt. 10
Jamestown, N.Y. 14701 Term Expires: 12/31/11
Signed: Duff, Beightol, Richmond

Unanimously Adopted – February 4, 2009

RES. NO. 14-09

Confirm Re-Appointments – Southern Tier West Regional Planning Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Southern Tier West Regional Planning Board.

James Cooper
3588 Drybrook Road
Falconer, N.Y. 14733 Term Expires: 12/31/11

William Daly
321 Arlington Avenue
Jamestown, N.Y. 14701 Term Expires: 12/31/11

Gregory Edwards
Garfield Road
Jamestown, N.Y. 14701 Term Expires: 12/31/11

Signed: Heenan, Croscut, Kindberg, Hallquist

Unanimously Adopted – February 4, 2009

RES. NO. 15-09

Confirm Re-Appointments - Chautauqua County Airport Commission

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

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

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

Richard Babbage
146 Lakeside Drive
Bemus Point, N.Y. 14712 Term Expires: 12/31/10

Jerry Park
1664 Rt. 83
Forestville, N.Y. 14062-9651 Term Expires: 12/31/10

Signed: Beightol, Park, Nazzaro, Babbage

Unanimously Adopted – February 4, 2009

RES. NO. 16-09

Confirm Appointment & Re-Appointment - Chautauqua County Youth Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Chautauqua County Youth Board.

New Appointment
Barbara Ravellette
115 Wilson Place
Jamestown, N.Y. 14701 Term Expires: 1/31/12

Re-Appointment
Diane Miraglia
4066 Baker Street
Jamestown, N.Y. 14701 Term Expires: 12/31/11

Signed: James, Stutzman, Mueller, Lemon, Kleparek

Unanimously Adopted – February 4, 2009

RES. NO. 17-09

Adoption of Waterways Panel Occupancy Tax Recommendations

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

WHEREAS, the Chautauqua County Legislature established by Resolution 174-08 a means to distribute the Occupancy Tax derived from such tax over three-fifths (2% tax), which by law

is to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County, and that the appropriated dollars must be used within the identified calendar year or be returned; and

WHEREAS, Resolution 174-08 provided that 15% of the 2% tax generated shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator," and further assigned lump sums to the four lake associations for maintenance of the waterways through harvesting of aquatic vegetation; and

WHEREAS, Resolution 174-08 provided that the use of the remainder of the 2% tax would be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel would prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2009 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQR review of the projects recommendation by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

Signed: Heenan, Cornell, DeJoe, Nazzaro, Richmond, Hallquist, Gould, Kindberg, Croscut

MOVED by Legislator Kindberg, SECONDED by Legislator Huckno to amend by substitution. – Unanimously Carried

WHEREAS, the Chautauqua County Legislature established by Resolution 174-08 a means to distribute the Occupancy Tax derived from such tax over three-fifths (2% tax), which by law is to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, Resolution 174-08 provided that 15% of the 2% tax generated shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator," and further assigned lump sums to the four lake associations for maintenance of the waterways through harvesting of aquatic vegetation; and

WHEREAS, Resolution 174-08 provided that the use of the remainder of the 2% tax would be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel would prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2009 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Waterways Panel recommendations set forth below that are ranked numbers 4, 5, 6, and 9, and in addition the Inner Harbor Weed Control project in the City of Dunkirk, are Type II actions requiring no further review pursuant to the New York State Environmental Quality Review Act (SEQR), and said projects are hereby awarded the amounts set forth below out of the 2% tax in the 2009 County Budget , except that the amount of \$10,000 shall be awarded for the Inner Harbor Weed Control in the City of Dunkirk with it being the intent of the County Legislature to

establish a county-wide formula for allocation of the 2% tax in future years for the harvesting of submerged aquatic vegetation (SAV); and be it further

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQR review of the remainder of the projects recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

Organization/Agency	Rank	Amt Requested	Amt Recommended
CLMC Chautauqua Co. Soil & Water Conserv. Dist. (SWCD)	1	\$ 22,150.00	\$ 22,150.00
Lighthouse Point Corporation & Association	2	\$ 10,000.00	\$ 10,000.00
CLMC & SWCD	3	\$ 38,650.00	\$ 38,650.00
Chautauqua County Soil & Water Conservation Dist.	4	\$ 6,250.00	\$ 6,250.00
Findley Lake Nature and Wildlife Education Center	5	\$ 33,000.00	\$ 33,000.00
Chautauqua Lake Management Commission (CLMC)	6	\$ 25,000.00	\$ 25,000.00
Maple Springs Improvement Committee, Inc (MSIC)	7	\$ 48,375.00	\$ 48,375.00
Chautauqua County Soil & Water Conservation Dist.	8	\$ 39,000.00	\$ 39,000.00
CLMC, SWCD, Village Lakewood, Cornell Coop. Ext.	9	\$ 15,000.00	\$ 15,000.00
Town of Busti	10	\$ 49,400.00	\$ 49,400.00
Town of Ellicott	11	\$ 50,000.00	\$ 50,000.00
Town of North Harmony & CLMC	12	\$ 40,000.00	\$ 40,000.00
Town of North Harmony & CLMC	13	\$ 50,000.00	\$ 38,175.00
Town of Busti	14	\$ 50,000.00	\$ -
Chautauqua Lake Management Commission (CLMC)	15	\$ 50,000.00	\$ -
Loomis Bay Shores, LLC	16	\$ 32,000.00	\$ -
S.A.R.E.P. Youth Fly Fishing Program	17	\$ 4,000.00	\$ -
Town of Gerry	18	\$ 12,000.00	\$ -
Chautauqua Watershed Conservancy, Inc.	19	\$ 50,000.00	\$ -
Forecon Inc & Vllg. of Brocton	20	\$ 31,000.00	\$ -
The Cabin Incorporated	21	\$ 71,850.00	\$ -
Forecon Inc. & Vllg. of Forestville	22	\$ 15,000.00	\$ -
Village of Westfield	23	\$ 50,000.00	\$ -
Village of Brocton	24	\$ 50,000.00	\$ -
Town of Ellicott	25	\$ 40,000.00	\$ -
Dunkirk High School Earth Science Club	26	\$ 5,000.00	\$ -
Chautauqua Watershed Conservancy, Inc.	27	\$ 40,000.00	\$ -
Cassadaga Lakes Association, Inc	28	\$ 26,258.00	\$ -
Aspire of WNY	23	\$ 20,500.00	\$ -
City of Dunkirk	30	\$ 17,000.00	\$ -

Town of Ellicott & Vllg.of Falconer	31	\$ 20,000.00	\$ -
Village of Lakewood	32	\$ 50,000.00	\$ -
Cassadaga Lakes Association, Inc	33	\$ 4,600.00	\$ -
Village of Westfield	Ineligible	\$ 50,000.00	\$ -
Total		\$1,116,033.00	\$415,000.00

Adopted as amended w/ Legislator Stutzman voting "no" – February 4, 2009

RES. NO. 18-09

Authorize Agreement to Implement Governor's Office for Small Cities (GOSC) Community Development Block Grant (CDBG) – Funded Private Wastewater and Well Assistance Program and Establish Necessary Accounts

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

WHEREAS, pursuant to Resolution 88-08, the County Executive is authorized to apply for and execute any agreements necessary to secure CDBG funding; and

WHEREAS, Chautauqua County has been awarded \$ 201,600 to fund a Private Wastewater and Well Assistance Program; and

WHEREAS, Chautauqua Opportunities Inc. (COI) is willing and able to administer the Private Wastewater and Well Assistance Program; and

WHEREAS, the County intends to use COI as a sub-recipient to provide service for the GOSC funded Private Wastewater and Well Assistance Program; now therefore be it

RESOLVED, That the County Executive be authorized to execute any and all agreements necessary to implement the Private Wastewater and Well Assistance Program funded by the GOSC CDBG; and be it further

RESOLVED, That this program shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2009 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Public Health	\$ 5,040
A.4090.----.4	Contractual – Environmental Health	<u>196,560</u>
		\$201,600

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4090.----.R478.9WSA	Federal Aid - Community Development Block Grant	\$201,600
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Signed: Beightol, Park, Nazzaro, Babbage, Cornell, DeJoe, Gould, Richmond

Unanimously Adopted – February 4, 2009

RES. NO. 19-09

Authorize Acquisition of Rights-of-Way and Easements for the Landfill Gas to Energy Project

By: Public Facilities Committee:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the Department of Public Facilities, Division of Solid Waste has undertaken the construction of the landfill gas to energy project; and

WHEREAS, the project includes the construction of a transmission line; and

WHEREAS, the transmission line must be built outside the highway rights-of-way; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized within budget appropriations to acquire all rights-of-way, options to purchase, easements and releases necessary for the construction of the Landfill Gas to Energy Project.

Signed: Beightol, Park, Nazzaro, Babbage

Unanimously Adopted – February 4, 2009

RES. NO. 20-09

Accept Grant from FAA for Land Acquisition for Existing R/W 6-24 RPZ (Engineering Only) at the Dunkirk Airport

By: Public Facilities and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the County Legislature, Airport Commission, NYSDOT and FAA have approved a project for the Chautauqua County Airport at Dunkirk for Land Acquisition for Existing Runway 6-24 RPZ , (Engineering only) AIP Project # 3-36-0022- -09; and

WHEREAS, the NYSDOT has offered a matching grant to the Federal grant for 2.5% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County had committed funds for a local share of the funding in its 2009 Capital budget, the project costs are as follows:

Federal -	\$ 46,645
State -	\$ 1,228
Local -	\$ 1,228
Total Project -	\$ 49,100

WHEREAS, if the County of Chautauqua and /or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding the State share noted above shall be increased proportionately up to a maximum increase of 15%; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the NYS Commissioner of Transportation by attaching to it any necessary documents in connection with this project.

Signed: Beightol, Park, Nazzaro, Babbage, DeJoe, Richmond, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 21-09

Authorize Lease with CTASC at Chautauqua County Airport in Jamestown

By: Public Facilities and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into a lease agreement with CTASC for the location of its corporate headquarters at the County Airport on substantially the following terms and conditions:

1. Premises: Approximately 800 square feet designated by DPF Director.
1. Rent: \$650.00 per month.
2. Term: Commencing January 1, 2009 and ending on December 31, 2010.
3. Utilities: Provided by the County.
4. Other: As negotiated by the County Executive.

Signed: Beightol, Park, Nazzaro, Babbage, DeJoe, Richmond, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 22-09

Moving Partial Funds from Deferred Revenue to a Revenue and Appropriation Account for the 2007 Homeland Security Grant

By: Public Safety and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services received a grant from the New York State Office of Homeland Security in 2007 in the amount of \$178,000; and

WHEREAS, by resolution number 77-08 Homeland Security Grant Program 2007 funds that continue through June 30, 2010 were directed into a deferred revenue account; and

WHEREAS, to meet the objectives of the program, the partial funds are requested to be moved from deferred revenue in order to purchase Hazardous Materials Response Team detection equipment and facilitate emergency planning activities; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual-Emergency Services	6,000
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INCREASE APPROPRIATION ACCOUNT:

A.3010.----.3	Depreciable Equipment-Emergency Services	47,303
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INCREASE REVENUE ACCOUNT:

A.3010.R430.5004	Homeland Security	53,303
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Signed: Duff, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 23-09

Authorize Acceptance of Grant and Execution of Agreement with State of New York Governor's Traffic Safety Committee for Participation in Selective Traffic Enforcement Program

By: Public Safety and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the Office of the Sheriff has received notice of an award of a grant from the State of New York Governor's Traffic Safety Committee for participation in the Selective Traffic Enforcement Program; and

WHEREAS, the County has been approved to receive \$81,307 from the Governor's Traffic Safety Committee for use in participating in this enforcement campaign targeting aggressive driving and speeding for the term from October 1, 2008 to September 30, 2009; therefore be it

RESOLVED, That the Chautauqua County accepts such grant and the County Executive is hereby authorized to execute a grant agreement with the State of New York Governor's Traffic Safety Committee to participate in the Selective Traffic Enforcement Program for the period from October 1, 2008 to September 30, 2009.

Signed: Duff, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 24-09

To Adjust 2009 Budget for SEMO Funds

By: Public Safety and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services received a grant from the State of New York Emergency Management Office in the amount of \$41,925 for furthering County Emergency Capabilities; and

WHEREAS, the monies were received in 2008 but the project has not been completed and is planned to continue into 2009, and the remaining balance of \$32,832 will be recorded as deferred revenue in 2008 and will be available for use in 2009; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.4540.0000 Contractual - Emergency Services \$32,832

INCREASE REVENUE ACCOUNT:

A.3010.R430.5001 Emergency Management Assistance \$32,832

Signed: Duff, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 25-09

Authorize Acceptance of the Office of Children and Family Services Grant

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

WHEREAS, the District Attorney's Office has received notice of a Grant award from the Office of Children and Family Services in the amount of \$141,000.00 for the period of February 2009 through January 2010 to support the Multidisciplinary Team (MDT); and

WHEREAS, the purpose of the Chautauqua County Multidisciplinary Team (MDT) is to coordinate the response of all agencies involved in the investigation, prosecution and case management of child abuse and maltreatment cases into a cohesive, well-defined, collaborative process that not only results in more complete and informed investigations and prosecutions but also emphasizes a less traumatic response to the child victims and their non-offending family members; and

WHEREAS, such funds will be used to fund the training, travel, equipment, office expenses, salary and fringe benefits of a Project Director responsible for administering the day to day activities of the MDT as well as implementing the mission of the MDT to establish a Child Advocacy Center (CAC) within Chautauqua County; and

WHEREAS, such funds will also be used to fund training for the members of the MDT as well as fund miscellaneous expenses associated with the MDT and expenses associated with the establishment of a CAC within Chautauqua County; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to apply for and accept grant funding from the Office of Children and Family Services.

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

INCREASE APPROPRIATION ACCOUNTS:

A1165.----.1 Personal Services - District Attorney \$ 56,650
A1165.----.8 Employee Benefits- District Attorney 26,105

A1165.----.4	Contractual - District Attorney	47,922
A1165.----.2	Equipment - District Attorney	2,800

INCREASE REVENUE ACCOUNT:

A1165.R338.9012	CAC GRANT	\$133,477
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Signed: Duff, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 26-09

Authorize Acceptance of the National Children's Alliance Program Expansion and Development Grant

By: Public Safety and Audit & Control Committees:

At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the District Attorney's Office has received notice of a Grant award in the amount of \$30,000.00 from the National Children's Alliance through the Office of Juvenile Justice and Delinquency Prevention to be used by an assistant District Attorney to co-locate at the Child Advocacy Center in Jamestown, N.Y.; and

WHEREAS, The Child Advocacy Center benefits children of Chautauqua County who are subjected to sexual and physical abuse; and

WHEREAS, such assistant District Attorney will be trained in forensic interviewing of children at this location and will be present to assist law enforcement and other participating agencies; and

WHEREAS, it is anticipated that co-location of an assistant District Attorney will act as a catalyst for other agencies to co-locate and utilize the services of the Child Advocacy Center; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to apply for and accept grant funding from the National Children's Alliance through the Office of Juvenile Justice and Delinquency Prevention; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services - District Attorney	\$25,400
A.1165.----.8	Employee Benefits- District Attorney	4,066
A.1165.----.4	Contractual - District Attorney	534

INCREASE REVENUE ACCOUNT:

A.1165.R438.9009	National Children's Alliance	\$30,000
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Signed: Duff, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 4, 2009

RES. NO. 27-09
Accept Nutrition Education Funds

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

WHEREAS, the Department of Social Services desires to contract with the Cornell Cooperative Extension to provide behavior-focused education to low-income participants; and

WHEREAS, nutrition education is authorized under current Food Stamp Program regulations; and

WHEREAS, approved Eat Smart New York projects provide behavior-focused education to low-income participants; and

WHEREAS, the Federal reimbursement for the cost of these programs will be \$211,245 with Cornell Cooperative Extension contributing the matching local share; and

WHEREAS, the funds for this program have been budgeted in the 2009 County Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into a contract with Cornell Cooperative Extension to continue the Eat Smart New York project.

Signed: James, Stutzman, Mueller, Lemon, Kleparek, Cornell, DeJoe, Nazzaro, Gould, Richmond

Unanimously Adopted – February 4, 2009

RES. NO. 28-09
Approving Sale of Tax Liens

By: Administrative Services Committee:
At the Request of: Legislators Barmore, Duff, Caffisch, Huckno, Park, Wilder:

WHEREAS, tax parcel 100.05-2-2 in the Village of Forestville contains the former Forestville Depot which is near collapse and has caused the closure of Erie Street by Village officials due to safety concerns; and

WHEREAS, a proposal for purchase of the tax liens covering the property has been received that includes plans for the demolition of the dilapidated structure on the premises in compliance with the Town of Hanover building code; now therefore be it

RESOLVED, That the offer of Sherman R. Bailey be accepted for purchase of the tax liens for the sum of \$110.00, conditional upon complete code compliance remediation/demolition to the satisfaction of the Town of Hanover Code Enforcement Officer; and be it further

RESOLVED, That the County's tax enforcement officer be hereby authorized to execute an appropriate assignment of tax liens conveying the interest of Chautauqua County in the tax liens encumbering said property.

Signed: Keefe

Unanimously Adopted – (R/C Vote: 21 Yes; 4 Absent) - February 4, 2009

RES. NO. 29-09

A Resolution Authorizing Issuance of \$5,125,000 Bonds of the County of Chautauqua, New York, to Pay Part of the Cost of Various Capital Improvements for the Jamestown Community College

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

WHEREAS, all conditions precedent to the financing of the capital projects hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital projects, 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 following are hereby authorized in and for the County of Chautauqua, New York:

a) The construction of a new science building at the Jamestown Community College Campus, including site improvements, original equipment, appurtenances, apparatus and other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$12,000,000. It is hereby determined that the plan of financing of such specific object or purpose shall consist of the issuance of \$3,000,000 bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, the expenditure of \$3,000,000 Jamestown Community College monies, and the expenditure of \$6,000,000 to be provided by New York State. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 11(a)(1) of paragraph a of Section 11.00 of the Local Finance Law; and

b) Various capital improvements at the Jamestown Community College Campus, including (i) the reconstruction and construction of improvements to buildings, including site improvements, original equipment, appurtenances, apparatus and other incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$4,000,000; (ii) demolition of housing, at a maximum estimated cost of \$500,000, and (iii) the purchase of the North County Educational Center, at a maximum estimated cost of \$4,000,000. It is hereby determined that the plan of financing of such objects or purposes shall consist of the issuance of \$2,125,000 bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, the expenditure of \$2,125,000 Jamestown Community College monies, and the expenditure of \$4,250,000 to be provided by New York State, allocated among such projects on a pro-rata basis. It is hereby determined that the period of probable usefulness of the reconstruction projects, being a class of objects or purposes, is twenty-five years, pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. The period of probable usefulness for the demolition project, being a specific object or purpose, is ten years, pursuant to subdivision 12-a of paragraph a of Section 11.00 of the Local Finance Law. The period of probable usefulness for the purchase of the Educational Center, being a specific object or purpose, is thirty years, pursuant to subdivision 11 of paragraph a of Section 11.00 of the Local Finance Law.

Section 2. The aggregate maximum estimated cost of the aforesaid objects or purposes is \$20,500,000, and the plan for the financing thereof is: (i) by the issuance of the \$5,125,000 bonds of said County hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law, to be allocated in accordance with Section 1 hereof, (ii) the expenditure of \$5,125,000 from the Jamestown Community College, and (iii) the expenditure of \$10,250,000 State funds.

Section 3. 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 4. The faith and credit of said County of Chautauqua, New York, are hereby irrevocable pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. 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 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if:

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

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

Signed: Heenan, Nazzaro, Croscut, Hallquist, Richmond, Cornell, Kindberg, Gould, DeJoe

Adopted – (R/C Vote: 17 Yes; 4 No; 4 Absent) - February 4, 2009 (No's: Cafilisch, Duff, Runkle, Stutzman voting "no")

RES. NO. 30-09

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

At the Request of: County Executive Gregory J. Edwards and Chairman Keith D. Ahlstrom:

WHEREAS, pursuant to Chapter 468 of the Laws of 2007 adopted by the New York State Legislature, the County was authorized to impose a three-quarters of one percent sales tax for the period of December 1, 2007 through November 30, 2009, with the following requirements:

(1) one-fifth (1/5th) of the net collections must be allocated to the cities, towns, and villages in the County based on their respective populations, and the remainder of the net collections used for designated purposes including the County's expense for Medicaid, other State-mandated expenses, and local road and bridge projects, and

(2) the County must continue to exempt residential energy from local sales tax; and

WHEREAS, in part due to potential impacts from the State's current budget crisis, continuation of the three-quarters of one percent sales tax and allocation of the net collections as described above are necessary to prevent a corresponding increase in city, town, village, and county real property taxes, therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose a sales tax of three-quarters of one percent subject to the same requirements in Chapter 468 of the Laws of 2007, to take effect December 1, 2009 and continuing through November 30, 2011; and be it further

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

Signed: Ahlstrom

Unanimously Adopted – February 4, 2009

RES. NO. 31-09

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

At the Request of Chairman Keith D. Ahlstrom and County Executive Gregory J. Edwards:

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

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

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapters 405 and 686 of the Laws of 2007, to take effect December 1, 2009 and continuing through November 30, 2011; and be it further

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

Signed: Ahlstrom

Unanimously Adopted – February 4, 2009

LOCAL LAW
INTRODUCTORY NO. 23-08
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE PARTIAL TAX EXEMPTION FOR CERTAIN CAPITAL IMPROVEMENTS TO ONE AND TWO FAMILY OWNER-OCCUPIED RESIDENTIAL DWELLINGS

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

1. Purpose. In order to provide uniformity between the County and the several Towns, Villages and Cities and to promote ease of administration for local assessors, Local Law 6-08, is hereby amended.

2. Amendments.

(a) Section D(2) of Local Law 6-08 is amended as follows:

2. the value of such reconstruction, alteration or improvement exceeds three thousand dollars \$3,000.00.

3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Laid on Desks: 12/17/08

Leg. Adoption: 2/4/09

Public Hearing: 2/17/09

Adopted as LL 1-09

(R/C Vote: 24 Yes; 4 Absent)

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Cornell and duly carried the meeting was adjourned. (8:04 p.m.)

Regular Legislative Meeting
Wednesday, February 25, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

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

MOVED by Legislator Caffisch, SECONDED by Legislator Wilder and duly carried, the minutes were approved. (02/04/09).

1st Privilege of the Floor

Robert Berke, I live at 28 South Gale Street, Westfield, N.Y. I am here tonight to talk about health care in the country. This week, as we all know, the President and this Budget Director noted that the crisis we are facing in the economic situation has as a major driver to problems that we have in health care that we face for number of years or have not faced for a number of years. I am originally from Canada. I worked in the Canadian system for 7 years as a practicing physician. I was actually in the emergency room on call the day the system went into effect. First of all, just a brief show of hands. How many of you consider yourselves fiscal conservatives? I am sure that most of us do. We want to spend our money wisely and get what we spend our money for. Americans' as of the year 2000, paid \$4,500 per capita for health care. That is the year 2000. It's \$5,300 now. The next closest country was Switzerland. Thirty percent (*inaudible*) \$3,300. The most sensitive indicator of the quality of health care according to the World Health Organization, which has been a standard for the indicator of health care, is infant mortality. According to the CIA document that you can look up on line on their web site, the United States ranks 42nd in the world. That is 42nd from the top of quality of care with respect to health care by their infant mortality rate. We have more infants dying per thousand born, live births each year than 41 other countries in the world, yet we spend the most of any country in the world on health care per capita. We have a less sensitive indicator which is life expectancy. We are ranked 27th in the world in life expectancy. Yet, we spend the most on health care in the world. As fiscal conservatives, we are paying for a Cadillac, paying for a Chevy with three tires. That is what is happening.

What is driving this? Well, one example, we are presently as we can all agree, in a recession or depression. Inflation is running at, we have our Budget Director here, but I am wondering if it's running one percent, half of a percent, or actually it's zero. I run a private business. I got my bill for new premium this year, 21% increase in health care costs. All of us as business owners are facing this kind of inflationary rise in health care, yet we're in a recession/depression at zero or very low inflationary rate. What is driving these costs? If you look at the other universal care, the counties that have universal care, like Canada because that is the example I know, their administrative cost is 8 1/2 cents. Medicaid in this country, the health care provided by Medicaid in this country has an administrative cost of somewhere between 8, 9, 10%, somewhere in that range. Medicare, 8 1/2 to 9 1/2% administrative costs. Blue Cross/Blue Shield, Independent Health, twenty five cents on a dollar, doesn't go back to your health care. Medical loss that they describe, that is a rather interesting term, the cost to provide health care to their insured, is seventy five cents. Twenty five cents is going somewhere else. We know 8 1/2 to 9 1/2 cents, probably a good measure and there is another 15 cents in there that is going out the window and we don't know where it is going. I think that we have to address what is happening. It's killing us all as small business owners. I, when I was a practicing physician in Canada had a clerk who worked 8 hours a week. That is one day a week to do my billing. I have an office here that is 10 times as large. Do the math, 10 times 8 is 80 that is two people. I have four and a half to five and a half dealing with 400 different insurers, using a very sophisticated computer system, and I am still twice as inefficient because of all their rules and regulations,

individualized, their credentialing, none of them uniform, that I am having to pay for, that I am having to pass on, if I can, to the people's that I see and it doesn't help healthcare at all. We have to fix this system. I think this is the time that we all have to look very, very carefully at what we are talking about here because it is killing this country and it had been identified by our President, Budget Director, and they are talking very seriously about it. I think we as, you as Legislators, and us as small business owners have to address this or it is going to drive us continually further and further into debt if we don't address this, and we're getting very poor quality care according to the statistics that I mentioned to you earlier. Only 85% of our population has health care coverage and yet we're paying the most per capita than any country in the world. This makes no sense. Thank you.

Mr. Greg Lindquist, 21 LaSalle Ave., Jamestown, N.Y., representing the Greater Jamestown Empire Zone and Patrick Stokes, 338 Central Avenues, representing the Dunkirk/Sheridan Empire Zone.

Thank you for the opportunity to speak before you this evening. On behalf of the Greater Jamestown and Dunkirk/Sheridan Zones. We wish to draw your attention to the recent executive budget bill released by Governor Paterson. In particular, one proposal, Empire Zone Reform, would severely limit businesses that are desirous of locating and remaining with in Chautauqua County, access to valuable State tax credits. These are incentives that server as a stimulus to retain and hired County residence and in invest in capital projects. Globally recognized as valuable tool to attract and retain business entities in New York State, the Empire Zone Tax Credit program offers incentives to approved companies for capital investment and new job creation. These new jobs and investments must occur at locations and improved Empire Zone area. Locally this program has a assisted companies such as Cummings Engine, Nestle Purina, Cliffstar, the Connection Call Center, Premier Tool & Die Cast, and Carriage House, remain competitive, invest in Chautauqua County and offer employment opportunities for its residence. Under the Governor's proposals, companies will be required to documents that for every dollar in tax credits that they access, they must contribute back to New York State \$20 in investment. Under present law, this ratio may be as low as \$5 in investment to \$1 in tax credit for project that occurs in economically distressed areas. This new more restrictive ratio also has a retroactivity provision that will be applied not only to new businesses but also to each and every business in Chautauqua County that is certified as a zone business. There are 54 businesses in Dunkirk/Sheridan Zone and 119 businesses that are represented by the Jamestown Zone. Initial estimates indicate that as many as 40% of the 173 businesses that are certified by the Empire Zone in Chautauqua County could be decertified and lose the ability to tap into the New York State tax credits. Further new entities wishing to apply for the program, will be limited under the Governor's proposal to the manufacturing sector alone and large projects of regional significance.

Further more, the proposal with centralize the operation of this statewide program to Albany. This program is currently administered on a local level with applicants to the program meeting local and State approval for entrance. If the Governor's Reform proposal is adopted, local input will be lost. One centralized office in Albany will unilaterally decide which businesses and projects in Chautauqua County have sufficient return to the local economy to access Empire Zone tax incentives. It is important to note that zone tax credits afforded to businesses on a performance based system. Companies must create jobs and invest in capital improvements to access the credits. This is not a grant program. In other words, no jobs created, no investment made, no tax credits.

In deed this evening you will be voting on a resolution to form a local development corporation to oversee the clean up of the former Roblin Steel site in Dunkirk. Access to Empire Zone tax credits may be a necessary inducement to attract private sector investment to this project. When coupled with the availability of Brownfield opportunity area program, in the tax credits of the *(inaudible)* affords, this site can be returned to a productive and tax producing asset for Dunkirk. As further example, the City of Jamestown will be pursuing a similar project in concert with Buffalo Street Partners LLC, and IDS Virtual (?) Depot for demolition and site cleanup of the former Dahlstrom manufacturing complex. A priority project for the city and the upcoming round three or restoring New York communities initiatives, many of the blighted and now vacant buildings are proposed to be demolished and replaced with green space, continuation of the Jamestown Rivewalk

system and a future planned construction of a new 50,000 square foot warehouse facility that will house expansion of ideas (?) Depot. Access to Empire Zone incentives is a key component to the commitment of private capital to complete this project. Although we are sympathetic to the multi billion dollar budget gap currently facing New York State, we do not concur with the Governor's proposal that a sound approach to help close this gap would be to eliminate or extinguish incentives that helps businesses invest and grow in New York State. Particularly in Chautauqua County. We ask that you join us in sending a clear message to Albany that we do have hope for our local economy and further that restricting access or allowing the Empire Zone program to sunset, may indeed slow the recovery of the economic downturn that exists today.

Chairman Ahlstrom: I would like to remind you as some people came in a little bit late, if there is anyone that would like to address the Legislature on any item on tonight's agenda, now is the time to do it, under this first privilege of the floor.

I'm David Rinehart, I am the program Director with Chautauqua Striders. I live at 419 Crosner Street in Jamestown, N.Y.

Jeff Mason, 449 Ivory Road, Frewsburg, N.Y., athlete with Striders.

Savonta (?), 349 Foote Avenue, Jamestown, N.Y., athlete with Jamestown Striders.

Mr. Rinehart: In November of 2008, the Chautauqua Striders were named the host of the USA Track and Field Region 2 Championships. After nearly 30 years of competing in this meet and traveling to places like Blaire, Maryland, Pomona, New Jersey, Allentown, Pennsylvania, and Pittsburg, Pennsylvania, we finally have the opportunity to host this meet in Chautauqua County at Strider Field. Over the last several years, we have had some significant upgrades to Strider Fields that will allow us to bring this type of meet to Jamestown, New York.

This meet rotates through out four associations and six states. The Mid-Atlantic Association in Philadelphia was unable to commit to putting on this meet and it was offered to the next association in the rotation which was the Niagara Association which in turn, chose Strider Field of Jamestown, New York. This four day competition can bring as many as 1,200 athletes to Chautauqua County along with their parents, chaperones, coaches, and siblings. The economic impact that we are estimating along with the Jamestown Development Corporation could be in excess of \$1.3 million dollars to Chautauqua County. We are currently in the process of blocking hotel rooms throughout the County. Dunkirk, Fredonia, Findley Lake, Falconer, and of course, Jamestown. Along with that, we're working with the restaurants to make sure that they are ready for all the mouths that they are going to have to feed over those four days. The Chautauqua Sports alliance, we've been working with them and they are already considering with the numbers of people that we're going to be bringing to Chautauqua County, this has the potential to be the largest sporting event in the history of Chautauqua County. We've put a request before the Planning and Economic Development Committee for funds from the bed tax and we hope that you will all approve those this evening so we can ensure in putting on the best event possible at Striders Field for all of our visitors that are coming to Chautauqua County in 2009. This will be our first big meet and we're hoping that we can have many more in the future.

Savonta: I have been an athletic with Chautauqua Striders since 7th grade and I have traveled with them to Allentown, Pomona, New Jersey, California, all over the nation and it's been a great experience. I get a chance to meet new people, experience new things around the country and it's just a great opportunity for athletics all around the region and a great opportunity for athletic all around the region and it's a great opportunity for our County.

Mr. Mason: I just joined Striders last year but from the time that I have been in it, I've learned so much from them. They teach you how to be a good athletic but they also build character.

Like Savonta said, it's a great opportunity to travel around if you don't have an opportunity to do so otherwise.

Chairman Ahlstrom: Thank you. Is there anyone else to address the Legislature under the 1st privilege of the floor? Seeing none, we will close the 1st privilege of the floor.

STATE OF THE COUNTY ADDRESS
COUNTY EXECUTIVE GREGORY J. EDWARDS

Legislature Chairman Ahlstrom, Majority Leader Kindberg, Minority Leader Croscut, and the entire Chautauqua County Legislature; Thank you for giving me a few moments on your agenda to deliver my State of the County address for 2009.

Fellow County employees, friends, special guests and taxpayers of Chautauqua County I appear before the Legislature this evening at a historic period in the life of our State, and our Nation. We are in the midst of what virtually everyone agrees is a severe recession. Our Federal Government has already borrowed billions of dollars for bailouts, and now has passed legislation that has over 700 billion more dollars, all of it borrowed, and scheduled to be spent in the near future. Worse yet our State faces over a 47 billion dollar deficit, that has resulted in our Governor presenting his Executive budget for this upcoming year which includes over 80 new or increased taxes and fees, cuts in many sectors of service, with a promise of much more of the same in the years ahead.

In light of these sobering facts one would expect that my State of the County would be full of doom and gloom for the future of our County setting forth an upcoming year, full of increases in taxes, elimination of essential services, and heavy reliance on debt to cover our costs of delivering the State's services.

There have been many challenges introduced to Chautauqua County over the last year, and many more on the near horizon and I will take a moment to review just a few.

The graph above shows that from 2000 to 2010 our local share expense for Medicaid will almost double, from approximately 15 million dollars in 2000 to almost 30 million dollars in 2010. This requires the tax payers of our County to pay to the State almost 30 million dollars from our hard earned wages for this one bill. Every year this goes up and every year new tax dollars must be found for this payment to NY State. Currently over 50% of all of the County property taxes paid in Chautauqua County go to cover this one bill from Albany.

NYS spends over 45 billion dollars for our Medicaid program every year. That one budget line in our State budget exceeds the total State budgets of 42 states and there is no indication from Albany that this level of spending is going to be reduced.

At the same time our Medicaid obligations have continued going through the roof, our revenue from Federal and State sources have been declining. In 2005 we received over 135 million dollars, yet this year in 2009 we are budgeted to receive less than 124 million dollars, a loss of over 11 million dollars in revenue to run County operations.

With these undeniable factors impacting on our finances it would be reasonable for the people of our County to assume that as taxpayers we would be facing steep increases in County taxes, and reduced services as is currently happening at the State level. This has been true in the past when our County property taxes were raised 33% from 2003 to 2005 and sales tax was raised 18%. However, during the last four years the County property taxes have been reduced 12.6%, sales taxes have been eliminated on many purchases and our General Sales Tax rate has been reduced from 8.25% to 7.75%, one of the lowest rates in the State. Despite our current challenges we can continue to achieve reductions in our taxes if we continue to be fiscally prudent going forward.

I know this is true because while we have been cutting taxes we have also been prudent in other areas of our finances evidenced by our fund balance, which represents the equivalent to a tax payer's savings account. The New York State Comptroller has issued opinions supported by our auditors, and Bond rating institutions directing Counties to maintain a fund balance between 5% and 15% of their revenue. In 2002 our undesignated fund balance was less than \$21,000, representing less than two tenths of one percent of our revenues. Now, in 2009 our fund balance is 13 Million dollars approximately 13% of our revenues. This increase in our savings occurred at the same time that we were paying down the debt created by a self funded insurance plan in 2005 that was \$2,246,000.00 and now is less than \$1,100,000.00.

While cutting taxes, paying past due bills, and developing our savings account to meet State guide lines, Chautauqua County became the first County in the State to recognize and fund our GASB 45 obligations. The Regional Institute of the University of Buffalo completed their January Policy Brief entitled "The End of Local Government As We Know It?" that can be viewed at www.regional-institute.buffalo.edu.

This report analyzed the legacy burden of non-pension benefits and confirmed that Chautauqua County had a 30 year liability of 25 million dollars compared to Cattaraugus County at 124 million dollars and Erie County at 736 million dollars. We have already recognized and funded this liability with deposits of over 13 million dollars in our designated fund balance and this work puts Chautauqua County at the head of the class in this area. We are an example of how to manage this obligation through negotiation with our workforce on benefits, properly account for these expenses and budget for the future.

How were we able to achieve this significant track record of successes in these challenging times? There is no single answer, but it is due in large part to the commitment of all of the Department Heads, and employees of our County to a more fiscally prudent approach to our operation, and a focus on performance in providing the services and programs that we fund with tax payers money.

Since 2006 I have reported on many of these efforts resulting in merging of departments, elimination of waste and duplication of services, renegotiation of contracts saving hundreds of thousands of dollars, and many other cost savings initiatives. Over the last year we continued to pursue these goals and have successfully implemented changes and new initiatives that continue to save tax payer dollars. While it would be impossible to recount for you this evening all of the work of each of the Departments in County operations, I will provide you with some highlights.

Methane to Electric

We have successfully navigated most of the challenges that have been placed in our way to convert this harmful gas emitted from landfills into clean green electric energy. We will begin construction of the physical plant in May and are scheduled to begin producing electricity 4 months later in September of 2009. This will result in a projected 2 million dollar revenue to our county over the course of 12 months giving us a non-tax resource to reduce yet again the pressure on our property tax payers. This exciting new production is occurring due to my work with a professional team from our Finance, Legal, Development, and Public Facility departments, and our developer IES. I have also asked IES to market our elimination of Methane through flaring for 'green credits' and the early reports confirm that we should be able to see a return of even more dollars for this positive impact on our environment.

Finance Department

Our Finance Director Darin Schulz who also acts as our Insurance Director has worked closely with our insurance brokers Flex Care on our new health insurance package. Together we have delivered a new health insurance package through the Western NY Alliance that saved the County over 2.6 million dollars from the projected costs for 2009.

Our overall health insurance costs for the last three years have increased less than 3% in a market where single year increases for most employers have been over 10%. In addition as a member of the Western NY Alliance Chautauqua County has taken the lead in opening the door for other municipalities and employers to join this consortium to drive down their costs for insurance and improve the health of our residents.

Veterans Services

Last year I hired our new Director of Veterans Services Troy Smith after the retirement of Jim Hurley. Troy has continued the progress in this department providing more services to more Veterans. The Chautauqua County Veterans Service Agency has completed over 23,000 contacts with Veterans over the last 4 years with a staff that consists of the Director, 2 Service Officers, and 1 full time and 1 part time staff assistants. This contact rate ranks our County 3rd out of the 62 Counties in the whole state for volume of efforts on behalf of Veterans. This Department has also been leading the way securing Medicaid savings with our demonstration project saving over \$623,000 dollars and increasing the benefits received by our Veterans. We were able to acquire a Disabled American Veteran's van to transport our Veterans to the Erie Pennsylvania VA Hospital, and a new bus to transport our Veterans to the VA Hospital in Buffalo with our number of Veterans using this service increasing over the last three years. We also have new and exciting developments in the office itself, we are relocating our Veterans Service Agency office to 610 West Third Street, the same building that is home to our Office for the Aging, and the new Veteran's Clinic operated by Sterling Medical located just across the Third Street Bridge in Jamestown. This will be yet another dramatic improvement in the services for County Veterans.

Department of Development

The Department of Development and Planning began last year to create a new Comprehensive Plan for our County. As I have stated on numerous occasions, the last comprehensive plan was done in the late 1970's that projected what we as a County looked like in the late 1990's. Nothing had been done to address this lack of direction for over 15 years. Failure to plan is planning to fail, so I directed Bill Daly and his team to undertake this significant project and great progress has already been made and over the next year all of the residents of our County will have the opportunity to partake in the creation of a plan to drive our growth and development for many years to come. In addition the Development Department and the CCIDA have been instrumental in the historic levels of investment that have occurred and continue to occur by businesses in our County. In each of the last three State of the County Addresses I have highlighted this work, and tonight will just assure you that progress is continuing on a rapid and impressive pace in this arena.

Human Services

The Human Services Departments were successful on a wide range of issues this year on behalf of our residents, despite the challenge that much of their work is dictated by the mandates placed on them by the State of NY. The Mental Hygiene Department secured a 9 million dollar grant beating out competition from across the nation which will enhance services for our County. In addition to these efforts the Departments of Social Services, Office for the Aging, Mental Hygiene, Probation, and Youth Bureau have been working in a collaborative, coordinated effort to deliver services that will result in significant improvements in efficiency and cost containment. Equally important will be the improved customer service that this will provide to our residents who are served by these professionals each year.

Health Department

The Chautauqua County Health Department continues to deliver for the people of our County. This County Department works every day to ensure that our communities and those that live in them are

as safe and healthy as possible. While it would be impossible to convey all that this group of professionals does in this address, a few statistics will provide some insight into what they do for all of us.

Our clinics operated by this department are staffed with 15 nurses, 4 aides, 2 nurse practitioners and 6 clerical staff. During 2008 these 27 employees saw over 6,570 patients, and an additional 3,319 individuals attended our walk-in Immunizations clinics.

This group also managed over 3,602 visits to our family planning and STD clinics, and administered over 2,600 HIV tests.

Our Environmental Health Service team which is comprised of 9 field staff assured that our living and eating establishments were safe in 2008. They completed 636 food service inspections, 496 animal bite inspections, 328 private sewage permits were issued, 270 investigations of violations of the Public Health Laws, 266 adolescent tobacco use inspections, 175 children's camps, and campground inspections, along with over 230 other inspections. This is not a complete list but merely a representative sample of their accomplishments this past year.

We also have a group of Water Specialists in the Health Department. This team of just 3 professionals inspected 59 public water supplies, everything from small restaurants to municipal systems, and schools, and analyzed over 3,504 drinking water samples in their State certified lab. In addition they analyzed 1,060 non-potable water samples including wastewater and beach samples. They also assisted 400 private home owners who had water samples that tested positive for bacteria, including trouble shooting possible causes and methods to disinfect their wells. Special projects were undertaken to computerize all of the septic system files in the County, develop a GIS application to computerize system inspections, and developed an application for mapping private water wells to protect water quality when citing septic systems.

This is also the team of professionals who took on a major project at my request to complete a full analysis of the status of the municipal water systems in our County. They completed this task for the Northern portion of the County after investing over 700 hours in this effort which is now the foundation for the work being undertaken by a number of municipal leaders in our County to form a north county water district. The report can be seen in it's entirety at www.co.chautauqua.ny.us/health/healthframe.htm, under the heading Drinking Water Reports. This is an excellent example of how County forces can be a critical part of the process of professional analysis leading to evidence based decisions on possible consolidation, and regionalism.

What does our future hold for us?

This recession has the capacity to impact negatively on all of us. No one will be untouched by these trying times. However over the last three years we here in Chautauqua County have built significant capacity to deal with these challenges. Capacity in our businesses as they have experienced historic levels of growth, expansion and job creation. Capacity in our County Government to make difficult decisions to find more efficient ways to do what we are asked to do by New York State and our constituents. Capacity to come together to do what is expected of us despite differences in our party affiliations to do and accomplish what is essential to help our County prosper.

Last year I challenged all of us to find a way to work together in meaningful duties to allow our children and their children to look back with pride in our accomplishments. I challenged us to define ourselves by our common goals to accomplish continued improvement in the quality of life in our County. I am pleased to report that we did just that last year and have much to be proud of. This year is going to be a year of significant trials, but we have shed much of our negativity, stepped out with confidence and encouraged those who live work and worship here to join us in our endeavors. We

will need this proof of success through partnership to not only survive but thrive in these challenging times ahead.

As this year progresses I will continue to improve our services as a County Government and our work with our municipal partners through shared services, consolidation, and transfers of responsibility where appropriate. The County will continue to take the lead investigating opportunities and giving assistance to all of our partners to make decisions based on facts and business analysis and not get mired down in the trap of "it has always been done this way", or jump heedlessly into the latest fad that does not improve the delivery of necessary services to our tax payers.

We will continue to invest in and support the businesses that provide jobs to our residents by fighting against the efforts in Albany to kill our IDA and Empire Zones which would eliminate two of the most valuable assets we have to keep and draw jobs to our county.

We will continue to support the growth we are experiencing in the development of green energy and technology, with methane, wind power, and other energy initiatives. We will produce new energy and draw new attention to our efforts with our second Energy Conference October 23 and 24, 2009.

We will continue to assist our municipal partners and other employers through the Western NY Alliance which can lower the cost of providing health insurance for the people of our County. This will create healthier employees, and reduce costs for employers resulting in less tax and more jobs.

We need to continue to be committed to reducing property taxes on the people and businesses that pay these bills, and we can deliver reductions in these taxes for 5 years in a row if we work together.

I am asking all who are here tonight and those who belong to this great County to join me in forging ahead with a focus on what we can continue to achieve with a commitment to making the right decisions, at the right time, for the right reasons. We must not fall prey to the infighting and blame games that are occurring in so many of the regions around us. Our future is bright, our opportunities can be limitless if we focus on all 139,000 people who make their homes in this great County, and the resources we have at our disposal to meet their needs.

May God bless us in our work, our servicemen and women who are protecting us in areas around the world, and may God bless America in the days ahead.

COMMUNICATIONS:

1. Letters (5) County Executive - Re: Appts. & Re-Appts. Emerg. Medical Servs.; Ethics Bd.; Community Servs. Bd.; Health Board; Soil & Water Conservation Bd.
2. Letter – Senator Young – Re: Ack. Receipt of Motion 12-08
3. Letter – S. Baran – Resignation from Ag. & Fmld. Protection Bd.
4. Minutes – Chaut. Co. Soil & Water Conservation District
5. Letter – NYS Department of Environmental Conservation

**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 02/04/09**

LAI ON DESKS FOR ACTION AT THE 3/25/09 MEETING:

LOCAL LAW INTRO. 1-09 – A LOCAL LAW ABOLISHING TERM LIMITS OF THE COMMUNITY SERVICES BOARD OF CHAUTAUQUA COUNTY

MOTIONS: (On file w/ 2/25/09 Leg. Data)

- 2-09 Declaring May, 2009, as Cover the Uninsured Month in Chautauqua County - Unanimously Adopted
- 3-09 Urging Governor Paterson and the NYS Legislature to Maintain the Current Youth Bureau System - Unanimously Adopted
- 4-09 Urging the NYS Legislature to Immediately Enact the Permanent Authority of County-wide Industrial Development Agencies to Finance Civic Facilities Projects w/ an Increase in the Volume Cap to \$50 Million per Project as Part of the Overall Industrial Development Agency Reform – Unanimously Adopted
- 5-09 Supporting Continuation of Empire Zones Programs & Local Zone Administrators – Unanimously Adopted

RES. NO. 32-09

Confirm Re-Appointments – Off Track Betting Committee

By Planning & Economic Development Committee:
At the Request of Chairman Keith D. Ahlstrom:

BE IT RESOLVED, That the following individuals be and they hereby are re-appointed to the Chautauqua County Off Track Betting Committee for a term to expire 12/31/10:

Chester Tarnowski
231 Nevins Street
Dunkirk, New York 14048

Fran Lus
71 Peerless Street
Brocton, New York 14716

Legstr. Jerry Park
1664 Rt. 83
Forestville, New York 14062

Signed: Heenan, Hallquist, Kindberg, Croscut
Unanimously Adopted – February 25, 2009

RES. NO. 33-09

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

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board:

Robert Thompson
PO Box 302
Silver Creek, N.Y. 14136
Term Expires: 1/31/12

Leon Beightol
1512 Waterman Rd.
Falconer, NY 14733
Term Expires: 1/31/10

Allen Peterson
Strunk Road
Jamestown, NY 14701

Fred Croscut
3375 Waits Corner Rd.
Sherman, N.Y. 14782

Term Expires: 1/31/12

Term Expires: 1/31/10

Signed: Beightol, Park, Babbage, DeJoe

Unanimously Adopted – February 25, 2009

RES. NO. 34-09

Confirm Re-Appointments – Emergency Medical Services Council

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Warren Riles
PO Box 357
Forestville, N.Y. 14062
Term Expires: 1/31/12

Marsha Holland
47 Clinton Street
Westfield, N.Y. 14787
Term Expires: 1/31/12

Roberta Edwards
5413 Washington St. Ext.
Ashville, N.Y. 14710
Term Expires: 1/31/12

Cindy Goodwill
39 E. Avenue
Sinclairville, N.Y. 14782
Term Expires: 1/31/12

Steve Cobb
49 Gardner Street
Fredonia, N.Y. 14063
Term Expires: 1/31/12

Tim Glenn
4846 Mahana Road
Bemus Point, N.Y. 14712
Term Expires: 1/31/12

William Johnston
401 Palmer Street
Jamestown, N.Y. 14701
Term Expires: 1/31/12

Peter Fuller
725 N. Work Street
Falconer, N.Y. 14733
Term Expires: 1/31/12

Jan Hallberg
4566 Bemus-Ellery Road
Bemus Point, N.Y. 14712
Term Expires: 1/31/12

Signed: Huckno, Duff, Beightol, Runkle, Richmond

Unanimously Adopted – February 25, 2009

RES. NO. 35-09

Confirm Appointments & Re-Appointments - Chautauqua County Ethics Board

By Administrative Service Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments

John P. Gullo, II
26 Newton Street
Dunkirk, N.Y. 14048
Term Expires: 1/31/12

Mary Kay Szwejbka
22 Castile Heights
Fredonia, N.Y. 14063
Term Expires: 1/31/12

Appointments:

Marcia Bliss
511 North Main Street
Jamestown, N.Y. 14701
Term Expires: 1/31/12

Russell Payne
17 Charles Street
Frewsburg, N.Y. 14738
Term Expires: 1/31/12

Vince Horrigan
222 Lakeside Drive
Bemus Point, N.Y. 14712
Term Expires: 1/31/12

Signed: Keefe, Wilder, Huckno, Caffisch, Barmore

Unanimously Adopted – February 25, 2009

RES. NO. 36-09

Confirm Appointment & Re-Appointments - Chautauqua County Health Board

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

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

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

Dr. Robert Berke
28 S. Gale Street
Westfield, N.Y. 14787

Term Expires: 1/31/15
Replacing Dr. Daniel Glotzer

Re-Appointments:

Dr. Roland Hewes
4600 Hewes Road
Mayville, N.Y. 14757
Term Expires: 1/31/15

Paul Ruiz
927 Frewsburg-Kennedy Road
Frewsburg, N.Y. 14738
Term Expires: 1/31/15

Signed: James, Lemon, Mueller

Unanimously Adopted – February 25, 2009

RES. NO. 37-09

Resolution of the Chautauqua County Legislature: (1) Issuing a Negative Declaration with Respect to Approving Disposition of Certain Realty in the City of Dunkirk; (2) Authorizing a Public Hearing Regarding Disposition of Certain Realty in the City of Dunkirk; (3) Approving the Formation of a Local Development Corporation Under Section 1411 of New York Not-For-Profit Corporation Law to Hold Title to Said Realty

By: Planning & Economic Development Committee:
At the Request of County Executive Gregory J. Edwards and Chairman Keith D. Ahlstrom:

WHEREAS, pursuant to Section 1411(a) of the New York Not-for-Profit Corporation Law (the "Act"), the County of Chautauqua (the "County") is empowered to establish a local development corporation for charitable and public purposes, as identified in the Act, including: (i) relieving and reducing unemployment; (ii) promoting and providing for additional and maximum employment; (iii) bettering and maintaining job opportunities; (iv) assisting individuals to improve or develop their capabilities for such jobs; and (v) lessening the burdens of government and acting in the public interest; and

WHEREAS, the County desires to facilitate the rehabilitation and redevelopment of real estate, including blighted or contaminated properties, in the County for use by retail, commercial, and/or industrial businesses and to promote and provide for additional and maximum employment opportunities consistent with the Act, including the former Roblin, Edgewood, and Alumax properties in the City of Dunkirk (the "Project"); and

WHEREAS, the County is willing to make certain land not required for use by the County available for the Project, being the former Roblin, Edgewood, and Alumax properties also known as tax parcels 79.16-2-2, 79.16-2-5, 79.16-2-77, 79.12-4-29, 79.12-4-30, 79.12-4-32, (the "Land") through a local development corporation (the "Corporation") formed under Section 1411(a) of the Act; and

WHEREAS, pursuant to the Act, the County desires to form the Corporation, with the County acting as the sole member thereof, such that activities of the Corporation, permitted pursuant to the Act, are through an entity which is separate and distinct from the County, and a bankruptcy remote entity, for the exclusive purposes of acquiring an interest in Land from the County and undertaking activities permitted by the Act; and

WHEREAS, it is contemplated that the County will transfer the Land to the Corporation (the "Action") for the Project pursuant to and in accordance with Section 1411(d) of the Act; and

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

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

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

WHEREAS, a public hearing is required in connection with the transfer of the Land to the Corporation as required by Section 1411(d)(3) of the Act; now therefore be it

RESOLVED, That the Action entails merely the transfer of realty to a Corporation that intends to hold the Land until such time as a development project is identified, at which point in time such a project would then obtain any and all necessary environmental approvals to re-develop the Land, such that the Action not result in an adverse impact to the Land, will not adversely affect any water body designed as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse affect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, and there will be no adverse impact from the Action or on the growth and character of the community or neighborhood; and be it further

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

RESOLVED, That the County hereby determines that the Corporation's undertaking of the Project and the anticipated transfer of the Land from the County to the Corporation will relieve the burdens of government and are consistent with and in furtherance of the public purposes and powers set forth within the Act, and be it further

RESOLVED, That the formation of the Corporation pursuant to the Act is hereby approved and that the County Executive or the County Executive's designee is authorized and directed to take all actions on behalf of the County, as the sole member of the Corporation, to cause the incorporation and organization of the Corporation, and be it further

RESOLVED, That the County Executive is hereby authorized, empowered and directed to appoint the County Executive, serving ex officio, the Chairman of the County Legislature, serving ex officio, and the Mayor of the City of Dunkirk, serving ex officio, to serve as the initial voting directors of the Corporation; and be it further

RESOLVED, That the Directors and Officers of the Corporation be, and the same hereby are, authorized, empowered and directed to do all things and acts and to execute all documents as may be necessary or advisable and proper to carry on the business of the Corporation and facilitate the Project, including, but not limited to, taking title to the Land, managing a "request for proposals" (RFP) process seeking development proposals for the Land, and selecting a developer for the Land; and be it further

RESOLVED, That pursuant to Section 1411(d)(3) of the Act, a public hearing shall be held before this Legislature on the above-referenced proposed transfer of the Land on March 25, 2009 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 publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – February 25, 2009

RES. NO. 38-09
Additional 2009 Occupancy Tax Allocation

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Maria Kindberg, Gould, and Mueller:

WHEREAS, the Chautauqua Striders will co-host the 2009 USA Track & Field Region 2 Junior Olympic Track & Field Championships at Strider Field in Jamestown on July 9-12, 2009, that has the potential to be the largest youth sporting event in the history of Chautauqua County with as many as 1300+ athletes; and

WHEREAS, the Region 2 Championships serve as the sole conduit for athletes from upstate New York, Pennsylvania, Delaware, New Jersey, and northern West Virginia to qualify for the 2009 USATF National Junior Olympics Championships in Greensboro, North Carolina; and

WHEREAS, the Chautauqua Striders were only recently selected in December 2008 to co-host the USATF Region 2 championships after a Philadelphia youth track association unexpectedly was forced to withdraw its sponsorship due to an inability to secure a suitable facility and accommodations for the event; and

WHEREAS, the County's occupancy tax revenues are to be utilized for tourism and convention development including the promotion of special events such as the USATF Region 2 Championships that will bring numerous visitors and beneficial economic impact to Chautauqua County; and

WHEREAS, due to the recent unanticipated selection of the Chautauqua Striders to co-host the USATF Region 2 Championships well after the 2009 occupancy tax funding review was completed, it is appropriate that the County provide financial support to the Chautauqua Striders utilizing the occupancy tax reserve; therefore be it

RESOLVED, That the Chautauqua Striders shall be allocated the sum of \$5,000 from the County's occupancy tax reserve to assist the Chautauqua Striders' in its co-hosting of the 2009 USA Track & Field Region 2 Junior Olympic Track & Field Championships at Strider Field in Jamestown on July 9-12, 2009.

Signed: Heenan, Hallquist, Cornell, Richmond, Kindberg, Croscut, DeJoe, Nazzaro, Gould

Unanimously Adopted – February 25, 2009

RES. NO. 39-09
Authorizing the South Chautauqua Lake Sewer District to Obtain an Engineering Report with Respect to the Extension of Public Sewer Service to Ashville

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

WHEREAS, the settlement of Ashville is within the South Chautauqua Lake Sewer District (*District*); and

WHEREAS, studies have been performed demonstrating the need for a sewage collection and transmission system to provide public sewer service at Ashville because of health and environmental considerations; and

WHEREAS, the District has not been able to construct the needed sewers because of the inability of the owners of the property served to pay the interest and amortization of the capital cost therefore without grant assistance; and

WHEREAS, the District is advised of proposed grants for infrastructure as part of a United States Economic Recovery Program and desires to support it and obtain the health, economic and environmental benefits associated with it; and

WHEREAS, the Board of Directors of the District (*Board*) has authorized the pursuit of such funds which requires engineering services; and

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

RESOLVED, That the Chairman of the South Chautauqua Lake Sewer District is authorized to execute a contract with Stearns & Wheler, LLC in an amount not to exceed \$21,400 with respect to engineering services relating to the extension of public sewer service to Ashville, the pursuit of grant assistance therefore, and the preparation of a Map, Plan and Report satisfactory for proceedings under County Law §268; and be it further

RESOLVED, That such contract shall allow the District to order partial performance and payment with respect to potential funding and to not complete all services and payment thereunder if the prospects for such funding appear to be remote; and be it further

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

Signed: Beightol, Park, Babbage, DeJoe, Nazzaro, Richmond, Gould, Cornell

Unanimously Adopted – February 25, 2009

RES. NO. 40-09

Accept FAA & NYS Grant Funds for the Construction of the Apron Expansion Project at the Chautauqua County Jamestown Airport

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

WHEREAS, the County Legislature, Airport Commission, NYSDOT and FAA have approved a project for the Chautauqua County Jamestown Airport consisting of "Construction for the Apron Expansion" Project No. 3-36-0048-36-09; and

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

WHEREAS, Chautauqua County has committed funds for the local share of project costs and funding shares of project costs are as follows:

Federal -	\$779,000
State -	20,500

Local - 20,500
 Total Project - \$820,000 and

WHEREAS, if Chautauqua County and/or the FAA notifies the NYSDOT that Chautauqua County has requested and received an increase in Federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding, the New York State share noted above shall be increased proportionately up to a maximum increase of 15% (not to exceed \$23,575); now therefore be it

RESOLVED, That Chautauqua County accepts the grant offer and approves an agreement for financial assistance for the Construction of the Apron Expansion at the Jamestown Airport for Project No. 3-36-0048-36-09; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with NYS, FAA, Engineers and Contractors in connection with this project; and be it further

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

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

Due to the consolidation of a two prior grants, one originally assigned this Capital Project Account number, change the title of Capital Project Account H.5610.141. to "Apron Expansion Construction", and

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.141.4	Contractual – Apron Expansion Construction	\$ 820,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.141.R359.7000	State Aid: Transportation Capital	\$ 20,500
H.5610.141.R459.7000	Federal Aid: Transportation Capital	779,000
H.5610.141.R503.1000	Interfund Transfer	<u>20,500</u>
		\$ 820,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.101.4	Contractual – FAA Projects Local Share	\$ 20,500
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DECREASE CAPITAL REVENUE ACCOUNT:

H.5610.101.R503.1000	Interfund Transfer	\$ 20,500
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Signed: Gould, Richmond, Cornell, Park, Beightol, Babbage, DeJoe, Nazzaro

Unanimously Adopted – February 25, 2009

RES. NO. 41-09
 2008 Citizen Corps Grant Award

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

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Emergency Management Office for Citizen Corps Grant for Fiscal Year 2008; and

WHEREAS, the grant in the amount of \$79,838.04 runs from September 1, 2008 through August 31, 2011 and,

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

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

Signed: Duff, Huckno, Beightol, Runkle, Richmond, DeJoe, Nazzaro, Gould, Cornell

Unanimously Adopted – February 25, 2009

RES. NO. 42-09

Agreements with Jamestown Community College for Sheriff's and Fire Service Academy

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

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

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

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

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE CAPITAL PROJECT ACCOUNT:

H.3410.510.4	Contractual-Training Center Enhancement	56,111
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R226.0001	Charges: Other Gov't-JCC Reimbursement	56,111
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Signed: Huckno, Duff, Beightol, Runkle, Richmond, DeJoe, Nazzaro, Gould, Cornell

Unanimously Adopted – February 25, 2009

RES. NO. 43-09

Authorize and Approve Distribution of Dog License Revenues

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

Remitting Municipality	Amount Remitted	Seventy-Five Percent of Surplus Apportioned
Arkwright	\$ 471.98	\$ 274.24
Busti	\$ 2,157.94	\$ 1,253.85
Carroll	\$ 660.33	\$ 383.68
Charlotte	\$ 789.64	\$ 458.81
Chautauqua	\$ 1,564.57	\$ 909.08
Cherry Creek	\$ 306.29	\$ 177.97
Clymer	\$ 724.95	\$ 421.23
Dunkirk	\$ 340.37	\$ 197.77
Elery	\$ 1,343.71	\$ 780.75
Ellicott	\$ 1,932.07	\$ 1,122.61
Ellington	\$ 1,252.44	\$ 727.72
French Creek	\$ 234.05	\$ 135.99
Gerry	\$ 685.54	\$ 398.33
Hanover	\$ 1,093.36	\$ 635.29
Harmony	\$ 407.69	\$ 236.89
Kiantone	\$ 285.15	\$ 165.68
Mina	\$ 495.32	\$ 287.80
North Harmony	\$ 447.87	\$ 260.23
Poland	\$ 910.19	\$ 528.86
Pomfret	\$ 3,499.32	\$ 2,033.25
Portland	\$ 1,601.87	\$ 930.75
Ripley	\$ 826.47	\$ 480.21
Sheridan	\$ 1,002.80	\$ 582.67
Sherman	\$ 574.96	\$ 334.08
Stockton	\$ 599.00	\$ 348.04
Villanova	\$ 494.65	\$ 287.41
Westfield	\$ 1,526.24	\$ 886.81
Dunkirk (City)	\$ 1,958.46	\$ 1,137.95
Jamestown (City)	\$ 2,432.37	\$ 1,413.31
<u>Chaut Co Humane</u>	<u>\$ 287.50</u>	<u>\$ 167.05</u>
TOTAL	\$ 30,907.10	\$ 17,958.33

Signed: Keefe, Wilder, Huckno, Caffisch, Barmore, DeJoe, Nazzaro, Richmond, Gould, Cornell

Unanimously Adopted – February 25, 2009

RES. NO. 44-09
Amending Resolution 171-08 Regarding RPTL Article 11 Tax Foreclosures

By Administrative Services Committee:
At the Request of Legislators Cornell and Barmore:

WHEREAS, beginning with the 1995 tax liens, Chautauqua County began enforcing the collection of delinquent taxes pursuant to Article 11 of the New York State Real Property Tax Law (RPTL); and

WHEREAS, pursuant to Resolution 171-08, 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 to specify the schedule for the tax foreclosure process; therefore be it

RESOLVED, That the County Legislature hereby amends Resolution 171-08 to provide a new Paragraph 1, with the remaining paragraphs thereafter re-numbered accordingly:

1. Schedule for Article 11 Tax Foreclosures. No later than January 1, 2012, it shall be the policy of the County of Chautauqua to adhere to the minimum time requirements set forth in Title 3 of Article 11 of the RPTL, including, but not limited to, the filing of the list of delinquent taxes (10 months after lien date) and the petition of foreclosure (21 months after lien date), in order to obtain a judgment of foreclosure as soon as possible after the statutory redemption period has expired 24 months after lien date. After a judgment of foreclosure has been obtained by the County, transfers of tax foreclosure properties to municipal entities, foreclosed owners, mortgagees, and purchasers at public auction pursuant to this resolution shall be accomplished as soon as practicable.

Signed: Keefe, Wilder, Huckno, Cafilisch, Barmore

Adopted w/ Legislators Gould, Hallquist voting "no" – February 25, 2009

RES. NO. 45-09
Creating a Special Committee of the Legislature to Study the Options Proposed by the Park Strategies LLC

By Administrative Services Committee:
At the Request of Chairman Keith D. Ahlstrom, Legislators Cornell, Kindberg, and Mueller:

WHEREAS, Park Strategies LLC recently completed a study on County-wide assessment in Chautauqua County, funded by a grant awarded by the New York State Office of Real Property Services (ORPS); and

WHEREAS, the results of the study conducted by Parks Strategies LLC offered three models of assessment options for Chautauqua County; therefore be it

RESOLVED, That the Chairman of the Chautauqua County Legislature is hereby authorized and directed to convene a special committee of the Legislature to include seven members, at least one member to be selected from the Administrative Services Committee, to study the options

and models presented by the NYS ORPS addressing the assessment practices in Chautauqua County; and be it further

RESOLVED, That the Assessment Special Committee of the Legislature shall report its findings and recommendations to the full legislature within 90 days of inception.

Signed: Keefe, Wilder, Huckno, Caffisch, Barmore

MOVED by Legislator Keefe, SECONDED by Legislator Caffisch to change in the 1st RESOLVED, seven to a five member committee. – Unanimously Carried

Unanimously Adopted as amended – February 25, 2009

RES. NO. 46-09

Creating a Special Committee of the County Legislature to Review the Current Practices and Sustainability of the Chautauqua County Home

By Human Services Committees:

At the Request of Chairman Keith D. Ahlstrom and Legislators James and Kindberg:

WHEREAS, the fiscal crisis at both the State and federal levels is expected to continue to have a significant financial impact on the operations of the Chautauqua County Home, therefore be it

RESOLVED, That the Chairman of the Chautauqua County Legislature is hereby authorized and directed to convene a special committee of the Legislature to include no more than three members to study the current practices and sustainability of the Chautauqua County Home; and be it further

RESOLVED, That the Chautauqua County Home Special Committee of the Legislature shall report its findings and recommendations to the full Legislature within 90 days of inception.

Signed: James, Lemon, Mueller

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe to change in the 1st RESOLVED, three to a five members – Unanimously Carried

Unanimously Adopted as amended – February 25, 2009

RES. NO. 47-09

Authorize Lease of Office Space at 610 West Third Street, Jamestown, NY for Veterans' Services Agency

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Veterans' Services Agency (VSA) has the opportunity to relocate to 610 West Third Street, Jamestown, NY; and

WHEREAS, VSA will be co-located with other agencies that will be servicing common clients and will be able to provide more coordinated services for veterans, at no additional costs; and

WHEREAS, the facility will provide for more accessible parking; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with the Jamestown Rental Properties, LLC for such office space on substantially the following terms and conditions:

1. Premises: Approximately 900 square feet of the ground floor at 610 West Third Street, Jamestown, NY.
2. Term: Upon contract execution to October 31, 2009 with two (2) options to renew for additional one year periods upon ninety (90) days notice and terms to be negotiated.
3. Rent: \$535.00 per month.
4. Utilities: Water, electricity and gas to be paid by landlord.
5. Other: As negotiated by the County Executive; and be it further

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.6510.4---	Contractual – Building Rent	\$5,350.00
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DECREASE APPROPRIATION ACCOUNT:

A.6510.5---	Fixed Contractual -- Occupancy	\$5,350.00
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Signed: James, Lemon, Mueller, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – February 25, 2009

RES. NO. 48-09
2008 Final Year End Adjustments to Meet Obligations

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

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

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2008 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.1	Personal Services - LEGISLATOR-LEGISLATIVE BOARD	1,166
A.1040.----.4	Contractual - LEGISLATOR-LEGISLATIVE BOARD	1,132
A.1162.1120.4	Contractual - PD-ASSIGNED COUNSEL	8,510
A.1162.1135.5	Fixed Contractual - COURTS-SUPREME COURT	1,128
A.1162.1180.4	Contractual - COURTS-JUSTICES & CONSTABLES	80
A.1162.9999.4	Contractual - COURTS-MISC	6,300
A.1165.1169.1	Personal Services - DISTRICT ATTORNEY-CRIME VICTIMS	2,569
A.1165.----.1	Personal Services - DISTRICT ATTORNEY	963
A.1165.----.2	Equipment - DISTRICT ATTORNEY	2,725
A.1170.1174.1	Personal Services - PD-ALT TO INCARCERATION	3,032
A.1170.1174.4	Contractual - PD-ALT TO INCARCERATION	3
A.1170.----.5	Fixed Contractual - PD	1,957
A.1185.----.1	Personal Services - PH-MED EXAMINERS & CORONERS	296

A.1185.----.4	Contractual - PH-MED EXAMINERS & CORONERS	15,256
A.1310.----.1	Personal Services - FINANCE	12,298
A.1310.----.5	Fixed Contractual - FINANCE	964
A.1330.----.2	Equipment - FINANCE-REAL PROPERTY TAX	1,745
A.1330.----.4	Contractual - FINANCE-REAL PROPERTY TAX	3,163
A.1330.----.5	Fixed Contractual - FINANCE-REAL PROPERTY TAX	3,348
A.1362.----.4	Contractual - MISC-TAX ADVERTISING & EXPENSE	55,929
A.1362.----.5	Fixed Contractual - MISC-TAX ADVERTISING & EXPENSE	15,669
A.1410.1411.1	Personal Services - CNTY CLERK-MOTOR VEHICLES	9,510
A.1410.----.3	Depreciable Equipment - CNTY CLERK	2,719
A.1410.----.5	Fixed Contractual - CNTY CLERK	492
A.1420.----.1	Personal Services - CNTY ATTN	1,688
A.1420.----.4	Contractual - CNTY ATTN	4,837
A.1420.----.8	Employee Benefits - CNTY ATTN	17,443
A.1430.----.5	Fixed Contractual - HR	434
A.1430.BENE.5	Fixed Contractual - HR-BENEFITS ADMINISTRATION	200
A.1450.----.1	Personal Services - BOE	13,410
A.1450.----.4	Contractual - BOE	20,504
A.1450.----.5	Fixed Contractual - BOE	4,954
A.1460.----.1	Personal Services - CNTY CLERK-RECORDS MANAGEMENT	4,657
A.1460.----.4	Contractual - CNTY CLERK-RECORDS MANAGEMENT	304
A.1610.----.4	Contractual - IT-OFFICE SERVICES	1,236
A.1610.----.5	Fixed Contractual - IT-OFFICE SERVICES	1,617
A.1620.5020.4	Contractual - DPF-HALL R CLOTHIER BUILDING	13,785
A.1620.5050.4	Contractual - DPF-ICE CREAM SHOP	879
A.1620.5060.2	Equipment - DPF-GERACE OFFICE BUILDING	1
A.1620.5060.4	Contractual - DPF-GERACE OFFICE BUILDING	21,894
A.1620.6060.4	Contractual - DPF-LIBERTY SQUARE	188
A.1620.8060.4	Contractual - DPF-AG CENTER	1,118
A.1620.----.1	Personal Services - DPF-BUILDINGS & GROUNDS	101,846
A.1620.----.5	Fixed Contractual - DPF-BUILDINGS & GROUNDS	4,544
A.1620.----.8	Employee Benefits - DPF-BUILDINGS & GROUNDS	26,826
A.1650.----.4	Contractual - IT-COMMUNICATIONS SYSTEM	20,276
A.1650.----.5	Fixed Contractual - IT-COMMUNICATIONS SYSTEM	264
A.1670.----.1	Personal Services - IT-PRINT SHOP	1,838
A.1670.----.4	Contractual - IT-PRINT SHOP	3,487
A.1670.----.8	Employee Benefits - IT-PRINT SHOP	28
A.1680.----.4	Contractual - IT	1,395
A.1710.----.1	Personal Services - FINANCE-INSURANCE ADMINISTRATION	2,345
A.1710.----.5	Fixed Contractual - FINANCE-INSURANCE ADMINISTRATION	1,177
A.2960.ADMN.5	Fixed Contractual - PH-ADMINISTRATION	78
A.2960.TUIT.4	Contractual - PH-TUITION	696,646
A.3010.----.1	Personal Services - PH-EMERGENCY SERVICES	5,129
A.3020.DISP.5	Fixed Contractual - SHERIFF-CONSOLIDATED DISPATCHING	3,280
A.3020.TECH.1	Personal Services - SHERIFF-TECHNICAL SERVICES	40,869
A.3020.TECH.4	Contractual - SHERIFF-TECHNICAL SERVICES	7,143
A.3020.TECH.8	Employee Benefits - SHERIFF-TECHNICAL SERVICES	18,234
A.3020.W911.2	Equipment - SHERIFF-E-911 WIRELESS	4,896
A.3020.W911.3	Depreciable Equipment - SHERIFF-E-911 WIRELESS	46,036
A.3110.3114.1	Personal Services - SHERIFF-PISTOL PERMIT	894
A.3110.3114.4	Contractual - SHERIFF-PISTOL PERMIT	10,165
A.3110.3114.5	Fixed Contractual - SHERIFF-PISTOL PERMIT	445
A.3110.3118.1	Personal Services - SHERIFF-JUVENILE AID	3,490
A.3110.3118.5	Fixed Contractual - SHERIFF-JUVENILE AID	33

A.3110.3121.4	Contractual - SHERIFF-BASIC ACADEMY	46,101
A.3110.----.8	Employee Benefits - SHERIFF	67,040
A.3150.----.1	Personal Services - SHERIFF-JAIL	157,836
A.3150.----.2	Equipment - SHERIFF-JAIL	3,392
A.3150.----.3	Depreciable Equipment - SHERIFF-JAIL	8,799
A.3150.----.4	Contractual - SHERIFF-JAIL	185,941
A.3189.3111.1	Personal Services - SHERIFF-NAVIGATION	60,931
A.3189.3111.3	Depreciable Equipment - SHERIFF-NAVIGATION	14,800
A.3189.3111.5	Fixed Contractual - SHERIFF-NAVIGATION	562
A.3189.3111.8	Employee Benefits - SHERIFF-NAVIGATION	12,902
A.3189.3112.1	Personal Services - SHERIFF-SNOWMOBILE	30,258
A.3189.3112.5	Fixed Contractual - SHERIFF-SNOWMOBILE	32
A.3189.3112.8	Employee Benefits - SHERIFF-SNOWMOBILE	7,726
A.3189.MEDI.1	Personal Services - SHERIFF-MEDI-VAC	12,546
A.3189.MEDI.4	Contractual - SHERIFF-MEDI-VAC	33,726
A.3625.----.1	Personal Services - SHERIFF-TRAFFIC SAFETY ENFORCEMNT	1,702
A.3310.----.8	Employee Benefits - SHERIFF-TRAFFIC SAFETY ENFORCEMNT	3,169
A.3315.----.8	Employee Benefits - SHERIFF-STOP DWI	817
A.3315.VICT.4	Contractual - SHERIFF-VICTIM IMPACT PANEL	163
A.3625.----.3	Depreciable Equipment - PH-TECHNICAL RESCUE TEAM	24,915
A.3640.----.5	Fixed Contractual - PH-HAZARDOUS MATERIALS	368
A.3989.----.1	Personal Services - PH-EMERGENCY MEDICAL SERVICE	1,029
A.3989.----.2	Equipment - PH-EMERGENCY MEDICAL SERVICE	2,580
A.3989.----.8	Employee Benefits - PH-EMERGENCY MEDICAL SERVICE	276
A.4010.----.1	Personal Services - PH-PH ADMIN	73,353
A.4010.----.8	Employee Benefits - PH-PH ADMIN	1,332
A.4010.HE.2	Equipment - PH-HEALTH EDUCATION	69
A.4010.NURS.5	Fixed Contractual - PH-NURSING	702
A.4017.PCAP.1	Personal Services - PH-PRENATAL CARE PROGRAM	1,682
A.4017.PCAP.4	Contractual - PH-PRENATAL CARE PROGRAM	2,390
A.4017.PCAP.8	Employee Benefits - PH-PRENATAL CARE PROGRAM	673
A.4025.----.5	Fixed Contractual - PH-LABORATORIES	415
A.4035.----.4	Contractual - PH-FAMILY HEALTH/PLAN SRVCS	8,139
A.4059.----.4	Contractual - PH-EARLY INTERVENTION PROG	182,210
A.4090.----.4	Contractual - PH	8,523
A.4189.LEAD.8	Employee Benefits - PH-LEAD SCREENING	183
A.4189.TOB.8	Employee Benefits - PH-TOBACCO CONTROL PROGRAM	4
A.4310.----.5	Fixed Contractual - MH-MH ADMIN	411
A.4320.----.3	Depreciable Equipment - MH-MH PROGRAMS	1
A.5610.5610.4	Contractual - DPF-JAMESTOWN AIRPORT	22,542
A.5610.5610.5	Fixed Contractual - DPF-JAMESTOWN AIRPORT	139
A.5610.5612.5	Fixed Contractual - DPF-DUNKIRK AIRPORT	3,693
A.5630.5625.1	Personal Services - DPF-CARTS	62,173
A.5630.5625.4	Contractual - DPF-CARTS	1,722
A.5630.5631.4	Contractual - DPF-SUNY	10,615
A.5630.MED.4	Contractual - DPF-CARTS/MEDICAID	46,735
A.6010.----.2	Equipment - DSS-DSS ADMIN	14,057
A.6010.----.3	Depreciable Equipment - DSS-DSS ADMIN	5,683
A.6100.----.4	Contractual - DSS-MEDICAID	14,870
A.6109.----.4	Contractual - DSS-FAMILY ASSISTANCE	1,258,466
A.6140.----.4	Contractual - DSS-SAFETY NET	482,031
A.6141.----.1	Personal Services - DSS-HOME ENERGY ASSIST PROG	27,083
A.6141.----.8	Employee Benefits - DSS-HOME ENERGY ASSIST PROG	11,749
A.6420.----.3	Depreciable Equipment - P&ED-PROMOTION OF INDUSTRY	8,011

A.6420.----.4	Contractual - P&ED-PROMOTION OF INDUSTRY	31,855
A.6510.----.5	Fixed Contractual - VETERANS-VETERANS SERVICE AGENCY	1,094
A.6610.----.1	Personal Services - CNTY CLERK-WEIGHTS & MEASURES	2,157
A.6610.----.2	Equipment - CNTY CLERK-WEIGHTS & MEASURES	2,645
A.6772.----.1	Personal Services - OFFICE FOR THE AGING-	5,649
A.7110.----.5	Fixed Contractual - DPF-PARKS	2,549
A.7110.----.8	Employee Benefits - DPF-PARKS	5,213
A.7510.----.1	Personal Services - CNTY CLERK-HISTORIAN	2,000
A.7510.----.8	Employee Benefits - CNTY CLERK-HISTORIAN	153
A.8020.8037.4	Contractual - P&ED-BUSTI ENVIRONMENTAL GRANT	32,057
A.8020.8746.4	Contractual - P&ED-LAKE GAUGE & TELEPHONE	7,218
A.8020.----.1	Personal Services - P&ED-PLANNING	14,929
A.8020.----.4	Contractual - P&ED-PLANNING	51,905
A.8020.----.8	Employee Benefits - P&ED-PLANNING	681
A.8020.WTRS.5	Fixed Contractual - P&ED-WATERSHED ADMINISTRATION	30
A.8730.----.4	Contractual - DPF-FORESTRY	4,624
D.1990.----.4	Contractual - MISC-CONTINGENT ACCOUNT	886
D.5010.----.4	Contractual - DPF-DPF ADMINISTRATION	40,754
D.5010.----.5	Fixed Contractual - DPF-DPF ADMINISTRATION	1,539
D.5110.3310.4	Contractual - DPF-PAVEMENT MARKING	740
D.5142.----.4	Contractual - DPF-SNOW REMOVAL: CO ROADS	360,790
DM.5130.----.4	Contractual - DPF-ROAD MACHINERY	106,748
ESN.8110.8112.1	Personal Services - NSD-NCLSD ADMINISTRATION	439
ESN.8110.8112.4	Contractual - NSD-NCLSD ADMINISTRATION	710
ESN.8120.8122.1	Personal Services - NSD-NCLSD SANITARY SEWERS	2,284
ESN.8120.8122.5	Fixed Contractual - NSD-NCLSD SANITARY SEWERS	1,462
ESN.8130.8132.1	Personal Services - NSD-NCLSD SEWAGE TREATMENT	1,944
ESP.8120.8124.4	Contractual - PPDS-PPDS SANITARY SEWERS	8,485
ESP.8120.8124.5	Fixed Contractual - PPDS-PPDS SANITARY SEWERS	2,997
ESS.8110.----.5	Fixed Contractual - SSD-S&CCLSD SEWER ADMIN	4,684
ESS.8120.----.5	Fixed Contractual - SSD-S&CCLSD SANITARY SEWERS	2,183
ESS.8130.----.5	Fixed Contractual - SSD-S&CCLSD SEWAGE TREATMENT	522
ESS.8130.----.8	Employee Benefits - SSD-S&CCLSD SEWAGE TREATMENT	4,099
EW.8310.----.1	Personal Services - NCWD-NORTH CO WATER DIST #1	23
EW.8310.----.5	Fixed Contractual - NCWD-NORTH CO WATER DIST #3	261
EW.8310.----.8	Employee Benefits - NCWD-NORTH CO WATER DIST #4	49
M.1930.----.8	Employee Benefits - HEALTH INS-JUDGMENTS & CLAIMS	11,209
M.1930.HMO.4	Contractual - HEALTH INS-ALTERNATIVE PLANS - HMO	40,825
MS.1710.----.4	Contractual - SELF INS-INSURANCE ADMINISTRATION	74,577
EL.8160.1000.5	Fixed Contractual - ENVIRONMENT-LANDFILL	11,850
EL.8160.6000.1	Personal Services - ENVIRONMENT-CLOSED LANDFILLS	2,254
EL.8160.6000.4	Contractual - ENVIRONMENT-CLOSED LANDFILLS	8,595
EL.8160.6000.8	Employee Benefits-ENVIRONMENT-CLOSED LANDFILLS	1,127
EL.8160.7000.1	Personal Services - ENVIRONMENT-RECYCLING	4,926
EL.8160.7000.4	Contractual - ENVIRONMENT-RECYCLING	7,651
EL.8160.7000.8	Employee Benefits-ENVIRONMENT-RECYCLING	2,463
EL.9710.----.7	Debt Service/Serial Bonds-ENVIRONMENT-INTEREST	524
A.4017.MOMS.4	Contractual PH Moms	30,000
		5,091,093

DECREASE APPROPRIATION ACCOUNTS:

A.1010.----.8	Employee Benefits - LEGISLATOR-LEGISLATIVE BOARD	1,166
A.1040.----.8	Employee Benefits - LEGISLATOR-LEGISLATIVE BOARD	1,132
A.1165.1169.4	Contractual - DISTRICT ATTORNEY-CRIME VICTIMS	2,569

A.1165.----.4	Contractual - DISTRICT ATTORNEY	3,688
A.1170.----.4	Contractual - PD	13,502
A.1185.----.5	Fixed Contractual - PH-MED EXAMINERS & CORONERS	115
A.1185.----.8	Employee Benefits - PH-MED EXAMINERS & CORONERS	7,066
A.1230.----.1	Personal Services - COUNTY EXECUTIVE	9,067
A.1310.----.2	Equipment - FINANCE	1,000
A.1310.----.4	Contractual - FINANCE	7,217
A.1310.----.8	Employee Benefits - FINANCE	4,765
A.1330.----.8	Employee Benefits - FINANCE-REAL PROPERTY TAX	7,790
A.1410.1411.4	Contractual - CNTY CLERK-MOTOR VEHICLES	786
A.1410.1411.5	Fixed Contractual - CNTY CLERK-MOTOR VEHICLES	60
A.1410.1411.8	Employee Benefits - CNTY CLERK-MOTOR VEHICLES	1,259
A.1410.----.1	Personal Services - CNTY CLERK	3,211
A.1410.----.8	Employee Benefits - CNTY CLERK	10,297
A.1430.----.4	Contractual - HR	634
A.1450.----.3	Depreciable Equipment - BOE	38,868
A.1460.----.8	Employee Benefits - CNTY CLERK-RECORDS MANAGEMENT	4,962
A.1610.----.1	Personal Services - IT-OFFICE SERVICES	2,853
A.1620.5020.5	Fixed Contractual - DPF-HALL R CLOTHIER BUILDING	286
A.1620.5030.4	Contractual - DPF-COURTHOUSE	25,628
A.1620.5030.5	Fixed Contractual - DPF-COURTHOUSE	151
A.1620.5040.4	Contractual - DPF-PALMER BUILDING	357
A.1620.5040.5	Fixed Contractual - DPF-PALMER BUILDING	12
A.1620.5050.5	Fixed Contractual - DPF-ICE CREAM SHOP	2
A.1620.5060.5	Fixed Contractual - DPF-GERACE OFFICE BUILDING	330
A.1620.5070.4	Contractual - DPF-MAYVILLE MUNICIPAL BLDG	37,526
A.1620.5070.5	Fixed Contractual - DPF-MAYVILLE MUNICIPAL BLDG	170
A.1620.5080.4	Contractual - DPF-JAIL ADDITION	14,337
A.1620.6030.4	Contractual - DPF-MASONIC BUILDING	1,817
A.1620.6030.5	Fixed Contractual - DPF-MASONIC BUILDING	9
A.1620.6040.5	Fixed Contractual - DPF-NYS PAROLE BOARD	4,394
A.1620.6050.4	Contractual - DPF-D&F PLAZA	4,730
A.1620.6050.5	Fixed Contractual - DPF-D&F PLAZA	22
A.1620.6060.5	Fixed Contractual - DPF-LIBERTY SQUARE	113
A.1620.6080.4	Contractual - DPF-NORTH CO OFFICE BUILDING	13,772
A.1620.6080.5	Fixed Contractual - DPF-NORTH CO OFFICE BUILDING	146
A.1620.7010.4	Contractual - DPF-SOUTH CO OFFICE BUILDING	4,173
A.1620.7010.5	Fixed Contractual - DPF-SOUTH CO OFFICE BUILDING	264
A.1620.7020.4	Contractual - DPF-JAMESTOWN CITY HALL	1,279
A.1620.7020.5	Fixed Contractual - DPF-JAMESTOWN CITY HALL	43
A.1620.7040.5	Fixed Contractual - DPF-HARRISON STREET	8
A.1620.8060.5	Fixed Contractual - DPF-AG CENTER	61
A.1620.----.4	Contractual - DPF-BUILDINGS & GROUNDS	3,876
A.1650.----.1	Personal Services - IT-COMMUNICATIONS SYSTEM	540
A.1650.----.3	Depreciable Equipment - IT-COMMUNICATIONS SYSTEM	20,000
A.1670.----.2	Equipment - IT-PRINT SHOP	1,539
A.1680.----.1	Personal Services - IT	5,209
A.1710.----.4	Contractual - FINANCE-INSURANCE ADMINISTRATION	5,331
A.1989.----.4	Contractual - MISC-TAX ROLLS MAINT & PROCESS	116
A.1989.----.5	Fixed Contractual - MISC-TAX ROLLS MAINT & PROCESS	47,482
A.2960.ADMN.4	Contractual - PH-ADMINISTRATION	78
A.2960.TRAN.4	Contractual - PH-TRANSPORTATION	76,895
A.3010.----.4	Contractual - PH-EMERGENCY SERVICES	5,129

A.3020.DISP.1	Personal Services - SHERIFF-CONSOLIDATED DISPATCHING	36,351
A.3020.DISP.4	Contractual - SHERIFF-CONSOLIDATED DISPATCHING	4,264
A.3020.DISP.8	Employee Benefits - SHERIFF-CONSOLIDATED DISPATCHING	35,467
A.3020.TECH.5	Fixed Contractual - SHERIFF-TECHNICAL SERVICES	3,940
A.3020.W911.4	Contractual - SHERIFF-E-911 WIRELESS	50,932
A.3110.3114.8	Employee Benefits - SHERIFF-PISTOL PERMIT	1,008
A.3110.3118.4	Contractual - SHERIFF-JUVENILE AID	2,503
A.3110.3118.8	Employee Benefits - SHERIFF-JUVENILE AID	1,020
A.3110.----.1	Personal Services - SHERIFF	196,066
A.3110.----.2	Equipment - SHERIFF	29,321
A.3110.----.3	Depreciable Equipment - SHERIFF	41,937
A.3110.----.4	Contractual - SHERIFF	134,784
A.3150.----.5	Fixed Contractual - SHERIFF-JAIL	18,727
A.3150.----.8	Employee Benefits - SHERIFF-JAIL	191,391
A.3189.3111.4	Contractual - SHERIFF-NAVIGATION	6,703
A.3189.3112.4	Contractual - SHERIFF-SNOWMOBILE	4,073
A.3189.MEDI.5	Fixed Contractual - SHERIFF-MEDI-VAC	14,983
A.3189.MEDI.8	Employee Benefits - SHERIFF-MEDI-VAC	9,184
A.3315.----.1	Personal Services - SHERIFF-STOP DWI	817
A.3315.VICT.5	Fixed Contractual - SHERIFF-VICTIM IMPACT PANEL	163
A.3625.----.2	Equipment - PH-TECHNICAL RESCUE TEAM	2,769
A.3625.----.4	Contractual - PH-TECHNICAL RESCUE TEAM	20,697
A.3640.----.4	Contractual - PH-HAZARDOUS MATERIALS	368
A.3989.----.4	Contractual - PH-EMERGENCY MEDICAL SERVICE	2,144
A.3989.----.5	Fixed Contractual - PH-EMERGENCY MEDICAL SERVICE	873
A.4010.----.3	Depreciable Equipment - PH-PH ADMIN	1,968
A.4010.----.4	Contractual - PH-PH ADMIN	43,078
A.4010.----.5	Fixed Contractual - PH-PH ADMIN	17,090
A.4010.HE.4	Contractual - PH-HEALTH EDUCATION	69
A.4010.NURS.4	Contractual - PH-NURSING	702
A.4017.MOMS.1	Personal Services - PH-MEDICAID OBSTET/MATERNAL	1,685
A.4017.MOMS.4	Contractual - PH-MEDICAID OBSTET/MATERNAL	985
A.4017.MOMS.8	Employee Benefits - PH-MEDICAID OBSTET/MATERNAL	505
A.4025.----.4	Contractual - PH-LABORATORIES	415
A.4035.----.1	Personal Services - PH-FAMILY HEALTH/PLAN SRVCS	25
A.4035.----.5	Fixed Contractual - PH-FAMILY HEALTH/PLAN SRVCS	1,206
A.4035.----.8	Employee Benefits - PH-FAMILY HEALTH/PLAN SRVCS	4,383
A.4059.----.1	Personal Services - PH-EARLY INTERVENTION PROG	4,381
A.4059.----.5	Fixed Contractual - PH-EARLY INTERVENTION PROG	1,823
A.4059.----.8	Employee Benefits - PH-EARLY INTERVENTION PROG	17,575
A.4090.----.5	Fixed Contractual - PH	294
A.4189.LEAD.4	Contractual - PH-LEAD SCREENING	183
A.4189.TOB.4	Contractual - PH-TOBACCO CONTROL PROGRAM	4
A.4310.----.4	Contractual - MH-MH ADMIN	412
A.5610.5610.1	Personal Services - DPF-JAMESTOWN AIRPORT	5,682
A.5610.5610.8	Employee Benefits - DPF-JAMESTOWN AIRPORT	4,568
A.5610.5612.1	Personal Services - DPF-DUNKIRK AIRPORT	15,321
A.5610.5612.4	Contractual - DPF-DUNKIRK AIRPORT	43
A.5630.5625.5	Fixed Contractual - DPF-CARTS	62,173
A.5630.5630.4	Contractual - DPF-COACH USA	117,973
A.5630.MED.1	Personal Services - DPF-CARTS/MEDICAID	10,645
A.5630.MED.5	Fixed Contractual - DPF-CARTS/MEDICAID	209

A.5630.MED.8	Employee Benefits - DPF-CARTS/MEDICAID	8,592
A.6119.----.4	Contractual - DSS-CHILD CARE (FOSTER/INST)	665,355
A.6420.----.1	Personal Services - P&ED-PROMOTION OF INDUSTRY	23,672
A.6420.----.5	Fixed Contractual - P&ED-PROMOTION OF INDUSTRY	8,552
A.6420.----.8	Employee Benefits - P&ED-PROMOTION OF INDUSTRY	1,694
A.6510.----.4	Contractual - VETERANS-VETERANS SERVICE AGENCY	1,094
A.6610.----.4	Contractual - CNTY CLERK-WEIGHTS & MEASURES	855
A.6610.----.5	Fixed Contractual - CNTY CLERK-WEIGHTS & MEASURES	1,668
A.6610.----.8	Employee Benefits - CNTY CLERK-WEIGHTS & MEASURES	809
A.6772.----.4	Contractual - OFFICE FOR THE AGING	5,649
A.7110.----.1	Personal Services - DPF-PARKS	554
A.7110.----.4	Contractual - DPF-PARKS	3,877
A.7510.----.4	Contractual - CNTY CLERK-HISTORIAN	671
A.7510.----.5	Fixed Contractual - CNTY CLERK-HISTORIAN	59
A.8020.GIS.4	Contractual - P&ED-GEOGRAPHICAL INFO SYSTEM	11,626
A.8020.WTRS.1	Personal Services - P&ED-WATERSHED ADMINISTRATION	22,991
A.8020.WTRS.4	Contractual - P&ED-WATERSHED ADMINISTRATION	53,470
A.8020.WTRS.8	Employee Benefits - P&ED-WATERSHED ADMINISTRATION	24,681
A.9730.----.7	Interest - MISC - DEBT SERVICE	24,000
D.5110.----.1	Personal Services - DPF-MAINTENANCE OF ROADS	166,436
D.5110.----.4	Contractual - DPF-MAINTENANCE OF ROADS	98,077
D.5110.----.8	Employee Benefits - DPF-MAINTENANCE OF ROADS	30,942
D.5142.----.1	Personal Services - DPF-SNOW REMOVAL: CO ROADS	72,836
D.5142.----.8	Employee Benefits - DPF-SNOW REMOVAL: CO ROADS	36,418
ESN.8110.8112.5	Fixed Contractual - NSD-NCLSD ADMINISTRATION	1,149
ESN.8120.8122.4	Contractual - NSD-NCLSD SANITARY SEWERS	3,746
ESN.8130.8132.4	Contractual - NSD-NCLSD SEWAGE TREATMENT	1,944
ESP.8130.8134.4	Contractual - PPDS-PPDS SEWAGE TREATMENT	11,482
ESS.8110.----.4	Contractual - SSD-S&CCLSD SEWER ADMIN	4,684
ESS.8120.----.4	Contractual - SSD-S&CCLSD SANITARY SEWERS	2,183
ESS.8130.----.4	Contractual - SSD-S&CCLSD SEWAGE TREATMENT	4,621
EW.8310.----.4	Contractual - NCWD-NORTH CO WATER DIST #2	333
M.1930.----.4	Contractual - HEALTH INS-JUDGMENTS & CLAIMS	52,034
MS.1720.----.4	Contractual - SELF INSURANCE-BENEFITS & AWARDS	74,577
EL.8189.----.1	Personal Service-OTH ENV-HOUSE HAZ WASTE	4,060
EL.8189.----.4	Contractual - OTH ENV-HOUSE HAZ WASTE	10,286
EL.8189.----.8	Employee Benefits-OTH ENV-HOUSE HAZ WASTE	2,030
EL.8160.7000.2	Other Equipment-ENVIRONMENT-RECYCLING	23,014
		2,982,435

INCREASE REVENUE ACCOUNTS:

A.1162.9999.R302.1000	Court Facilities - COURTS-MISC	135,615
A.1420.----.R126.5000	Fees: Attorney - CNTY ATTN	11,696
A.1420.----.R126.5DBT	Fees: Attorney-Collection - CNTY ATTN	3,205
A.2960.4410.R270.1000	Refunds: Prior Yr Exp - PH-PRESCHOOL PROGRAM	17006
A.2960.4410.R327.7000	Ed Handicapped Children - PH-PRESCHOOL PROGRAM	9,340
A.3110.3121.R226.0000	Chrgs: Other Gov-Pub Safety - SHERIFF-BASIC ACADEMY	46,101
A.3150.----.R226.0MHS	Chrgs: Other Gov-Marsh Hous - SHERIFF-JAIL	501,088
A.3150.----.R270.1000	Refunds: Prior Yr Exp - SHERIFF-JAIL	33,408
A.3189.3111.R331.5000	Navigation Law Enforcement - SHERIFF-NAVIGATION	2,532
A.3189.MEDI.R158.9001	Oth PS Inc: Medi Vac - SHERIFF-MEDI-VAC	20,587
A.3310.----.R438.9000	Other Public Safety Aid - SHERIFF-TRAF SAFETY	4,871

	ENFORC	
A.5630.5631.R358.9000	Transportation - DPF-SUNY	10,615
A.5630.MED.R230.1000	Chrgs: Medicaid Transport - DPF-CARTS/MEDICAID	27,262
A.6070.----.R467.0000	Services for Recipients - DSS-SERVICES FOR RECIPIENTS	163,326
A.6119.----.R361.9000	Child Care - DSS-CHILD CARE (FOSTER/INST)	671,666
A.6140.----.R184.0000	Repay: Safety Net Assist - DSS-SAFETY NET	199,934
A.6140.----.R364.0000	Safety Net - DSS-SAFETY NET	113,658
DM.5130.----.R230.0GAS	Chrgs: Municipal Gas - DPF-ROAD MACHINERY	84,968
DM.5130.----.R266.5000	Sale of Equipment - DPF-ROAD MACHINERY	21,780
A.4017.MOMS.R460.1MED	Moms Medicaid	30,000
		2,108,658

Signed: Nazzaro, Richmond, DeJoe, Gould, Cornell

Unanimously Adopted – February 25, 2009

RES. NO. 49-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08; 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.

<u>PURCHASER</u>	<u>FORECLOSED OWNER</u>	<u>CLASS CODE</u>	<u>OFFER AMOUNT</u>	<u>TAXES OWING</u>
Wesley Brown	Cordosi, Anthony E.	220	\$ 3,000.00	\$ 22,973.62
Adeline M. Shelters	James, Roger	311	\$ 300.00	\$ 2,643.22
				\$ 25,616.84

Signed: Keefe, Wilder, Huckno, Caffisch, Barmore
Unanimously Adopted –R/ C Vote – 25 Yes - February 25, 2009

2nd Privilege of the Floor

Legislator Richmond: My reference is to what Mr. Cornell had said here a short time ago in reference to the age of the housing stock in Chautauqua County. I believe that he said that Jamestown was identified as having the oldest stock in all of the country.

Legislator Cornell: The County.

Legislator Richmond: The County only?

Chairman Ahlstrom: The County overall.

Legislator Richmond: In any event, one of the things that is constantly commented about Westfield is about its old housing stock. We constantly hear remarks about the enjoyment of the view and the enjoyment of seeing the condition of those homes in that community. In reference to that, old homes are good homes if they are well taken care of. The disrepair of the stock in our County is very unfortunate and perhaps there is a way for those homes to be recovered rather than be destroyed.

Chairman Ahlstrom: Anyone else to speak?

Legislator Hallquist: I was just curious if he would trade his old home for my old home?

Legislator James: I just want to know if he wants to trade any of those homes for my district.

MOVED by Legislator Cornell, SECONDED by Legislator Hallquist and duly carried the meeting was adjourned. (7:47 p.m.)

Regular Legislative Meeting
 Wednesday, March 25, 2009
 Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

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

MOVED by Legislator Gould, SECONDED by Legislator Caflich and duly carried, the minutes were approved. (02/25/09).

1st Privilege of the Floor

No one chose to speak at this time.

6:35 P.M.

PUBLIC HEARING

Resolution of the Chaut. County Legislature Issuing a Negative Declaration w/ Respect to Approving Disposition of Certain Realty in the City of Dunkirk and Approving the Formation of a Local Development Corporation Under Section 1411 of New York Not-For-Profit Corporation Law to Hold Title to Said Realty

Chairman Ahlstrom opened the public hearing at 6:35 p.m. No one chose to speak to the public hearing. Chairman Ahlstrom closed the public hearing.

COMMUNICATIONS:

1. Proof of Publication – Re: Public Hearing – Realty in City of Dunkirk
2. Letters (6) – County Exec. – Re: Appts: Airport Commission, Fire Advisory, Planning Bd., STW RR Authority, Traffic Safety Bd., Sports Fishery Bd.
3. Letter – County Exec. – Re: Appt. –Director/Planning & Econ. Development
4. Minutes – Chaut. Co. Soil & Water Conservation District
5. Minutes – STW Reg. Planning & Development Bd. – Feb. 09
6. Report – Fn. Dir. D. Schulz – Re: January 2009 Investment Results
7. Quarterly Report – Re: Small Business Developmt. Center (10/1/08-12/31/08)
8. Letter – Orrick – Re: Ack. Receipt of documents regarding Res. No. 29-09
9. Letter – Assemblyman Tedisco: Ack. Receipt of Motion's: 4 & 5-09
10. Letters (2) – Assemblyman Giglio: Ack. Receipt of Motion's: 2, 3, 4, & 5-09 and Res. No. 30 & 31-09
11. Letter – Senate Maj. Leader Canestrari – Ack. Receipt of Motion's 4 & 5-09
12. Letter – Dept. of State – Re: Ack. Receipt of Local Law 1-09

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 02/25/09

MOTION: (On file w/ 3/25/09 Leg. Data)

- 6-09 Supporting NYS Assembly Bill #A6051 to Amend the Vehicle & Traffic Safety Law in Relation to the Operation of an Emergency Vehicle Without a Commercial License – Unanimously Adopted

RES. NO. 50-09
Confirm Appointment - Chautauqua County Planning Board

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

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

John Penhollow
5575 Fenner Road Replacing Steven Senske
Sinclairville, N.Y. 14782
Term Expires: 12/31/10

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – March 25, 2009

RES. NO. 51-09
Confirm Appointment & Re-Appointment – Chautauqua-Cattaraugus, Allegany & Steuben Southern
Tier Extension Railroad Authority

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

WHEREAS, the County of Chautauqua requested that the New York State Legislature create the Southern Tier West Railroad Authority pursuant to Resolution No. 115-98 and 144-2000; and

WHEREAS, State legislation has been adopted creating the Chautauqua, Cattaraugus, Allegany & Steuben Southern Tier Extension Railroad Authority; and

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

RESOLVED, That the Chautauqua County Legislature does hereby make the following appointment to the Southern Tier Extension Railroad Authority.

New Appointment:
Mark Wilcox
3588 Drybrook Rd.
Falconer, N.Y. 14733 Replacing Bob Walrod
Term Expires: 2/28/10

Re-Appointment:
William Daly
321 Arlington Avenue
Jamestown, N.Y. 14701
Term Expires: 2/28/11

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – March 25, 2009

RES. NO. 52-09

Confirm Appointment - Chautauqua County Agriculture & Farmland Protection Board

By Planning & Economic Development Committee:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Legislature Chairman Keith Ahlstrom, 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 Agriculture & Farmland Protection Board for terms in accordance with Section 302 of the Agriculture & Markets Law:

Tom Davenport
5991 Diamond Avenue
Dewittville, N.Y. 14728
Term Expires: 12/31/12
(Replacing Steve Baran)

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – March 25, 2009

RES. NO. 53-09

Confirm Re-Appointments – Parks Commission

By Public Facilities Committee:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Chairman Ahlstrom 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.

John Cheney 3510 Rt. 430 (Ellery) Bemus Point, NY 14712 Term Expires: 12/31/11	Richard J. VanHise 409 Grubb Hill Road Kennedy, NY 14747 Term Expires: 12/31/11
Robert A. Jordan 3192 Burnham Road Cassadaga, NY 14718 Term Expires: 12/31/11	

Signed: Beightol, Park, Nazzaro, Babbage

Unanimously Adopted – March 25, 2009

RES. NO. 54-09

Confirm Appointments & Re-Appointments - Sports Fishery Advisory Board

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the 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 hereby confirm the following appointments and re-appointments to the Sports Fishery Advisory Board.

New Appointments:

Daniel Dietzen 9865 Miller Road Fredonia, N.Y. 14063 Term Expires: 2/28/10	Lisa Green 2415 W. Lake Road Ashville, N.Y. 14710 Term Expires: 2/28/10
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Re-Appointments:

Dick Larson 172 Ivory Road Frewsburg, N.Y. 14738 Term Expires: 2/28/10	Michael Cluchey 79 Jefferson Street Westfield, N.Y. 14787 Term Expires: 2/28/10
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Eugene Pauszek 66 W. Doughty Street Dunkirk, N.Y. 14048 Term Expires: 2/28/10	Craig Robbins 28 N. Pearl Street Frewsburg, N.Y. 14738 Term Expires: 2/28/10
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Charles Spiesman 73 Chautauqua Avenue Jamestown, N.Y. 14701 Term Expires: 2/28/10	Zenon Olow 23 Barnett Drive Fredonia, N.Y. 14063 Term Expires: 2/28/10
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Robert Ebel Sr. 6042 Mill Road Mayville, N.Y. 14757 Term Expires: 2/28/10	(Mailing Address: Sundance Trail Lakeview, N.Y. 14085)
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Signed: Beightol, Park, Nazzaro, Babbage

Unanimously Adopted – March 25, 2009

RES. NO. 55-09
Confirm Appointment - Chautauqua County Airport Commission

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

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

Dan Reininga 435 Main Street	Replacing Robert Arnone
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Dunkirk, N.Y. 14048-2720
Term Expires: 12/31/09

Signed: Beightol, Park, Nazzaro, Babbage

Unanimously Adopted – March 25, 2009

RES. NO. 56-09

Confirm Re-Appointments - Chautauqua County Community Services Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Community Service Board:

Anthony Raffa, Sr.
133 Prospect Street
Jamestown, N.Y. 14701 Term Expires: 1/31/13

Dr. Joseph DiCarlo
11 Brook Street
Lakewood, N.Y. 14750 Term Expires: 1/31/13

Betsy Wright
PO Box 840
Jamestown, N.Y. 14702-0840 Term Expires: 1/31/13

Kathleen Hentz
12 Chase Street
Westfield, N.Y. 14787 Term Expires: 1/31/13

Ellen Maternowski
1662 Shadyside Road
Lakewood, N.Y. 14750 Term Expires: 1/31/13

Dolores Mitcham
952 Oak Hill Road
Frewsburg, N.Y. 14738 Term Expires: 1/31/13

Signed: Mueller, Lemon, Stutzman

Unanimously Adopted – March 25, 2009

RES. NO. 57-09

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

By Legislator Huckno:
At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments:

Lawrence Barter
9 Pine Drive
Fredonia, N.Y. 14063
Term Expires: 1/31/10

Brian Puro
3681 New Road
Dunkirk, N.Y. 14048
Term Expires: 1/31/10

Keith D. Ahlstrom
PO Box 254
Dunkirk, N.Y. 14048
Term Expires: 1/31/10

Michael Przbycien
PO Box 111
Sheridan, N.Y. 13135
Term Expires: 1/31/10

Al Akin
PO Box 1001
Chautauqua, N.Y. 14722
Term Expires: 1/31/10

Scott Cummings
PO Box 234
Mayville, N.Y. 14757
Term Expires: 1/31/10

David Himelein
PO Box 617
Findley Lake, N.Y. 14736
Term Expires: 1/31/10

Raymond Lawson
21 Pleasant Avenue
Westfield, N.Y. 14787
Term Expires: 1/31/10

Ronald Trippy
6755 S. Portage Road
Westfield, N.Y. 14787-9614
Term Expires: 1/31/10

Randy Shampooe
PO Box 173
Clymer, N.Y. 14724
Term Expires: 1/31/10

Lance Hedlund
14 Dunn Avenue
Jamestown, N.Y. 14701
Term Expires: 1/31/10

Jackson Knowlton
2141 Shadyside Road
Lakewood, N.Y. 14750
Term Expires: 1/31/10

Thomas Fairbanks
PO Box 11
Gerry, N.Y. 14740
Term Expires: 1/31/10

Bradley Rogers
12654 – Rte. 394
Randolph, N.Y. 14772
Term Expires: 1/31/10

Peter Fuller
25 N. Work Street
Falconer, N.Y. 14733
Term Expires: 1/31/10

Peter Samuelson
4696 Maple Grove Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/10

James Shepard
3669 Crestview Drive
Bemus Point, N.Y. 14712
Term Expires: 1/31/10

Al Hamm
3033 Open Meadows Rd.
Ashville, N.Y. 14710
Term Expires: 1/31/10

Steve Lehnen
9791 Rt. 60
Fredonia, N.Y. 14-63
Term Expires: 1/31/10

Ronald Johnson
1265 Norby Road
Jamestown, N.Y. 14701
Term Expires: 1/31/10

New Appointments:

Matthew Oehlbeck
PO Box 90
Sherman, N.Y. 14781
Term Expires: 1/31/10

Mike Gleason
6524 Fiden Rd.
Mayville, N.Y. 14757
Term Expires: 1/31/10

Greg Scott
3517 Cemetery Street
Kennedy, N.Y. 14747
Term Expires: 1/31/10

Signed: Huckno

Unanimously Adopted – March 25, 2009

RES. NO. 58-09
Confirm Appointment – Traffic Safety Board

By Legislator Huckno:
At the Request of County Executive Gregory J. Edwards:

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

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

Greg Worrell
645 Stowe Street
Jamestown, N.Y. 14701 Replacing Eric Balon
Term Expires: 7/31/10

Signed: Huckno

Unanimously Adopted – March 25, 2009

RES. NO. 59-09
Designate Chautauqua County Legislature as Lead Agent Under SEQRA for the Review of
Chautauqua County Agricultural District #12, Towns of Carroll, Kiantone, and Busti

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

WHEREAS, Chautauqua County Agricultural District # 12, (Towns of Carroll, Kiantone and Busti) is undergoing the District's 8-year review, as required pursuant to Article 25-AA of the New York State Agricultural Districts Law; and

WHEREAS, the Chautauqua County Legislature's decision to consider modifications to the existing Agricultural District # 12 are discretionary and subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, as the single agency directly undertaking the action to consider the continuation, modification or termination of Chautauqua County Agricultural District # 12; therefore be it

RESOLVED, that the Chautauqua County Legislature will act as the Lead Agent for the review process, as allowed under 6NYCRR Part 617.6 (b)(1), and as such is authorized to comply with all SEQRA requirements during the 8-year review of Chautauqua County Agricultural District # 12 during the review process.

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – March 25, 2009

RES. NO. 60-09
Consolidation and Modification of Various County Agricultural Districts

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Legislature created thirteen (13) County Agricultural Districts between 1972 and 1995 pursuant to the New York State Agricultural Districts Program in order to encourage the protection and preservation of agricultural lands within Chautauqua County; and

WHEREAS, New York State Agricultural and Markets Law 303 (a) directs the County Legislature to perform a review of each district every eight years in order to permit, among other things, modification of Districts; and

WHEREAS, each review consists of a 300 day process and requires staff resources from both the Legislative Offices and the Planning and Economic Development Department, both of which have experienced staffing reductions over the past five (5) years; and

WHEREAS, 12 of the 13 required reviews of County Agricultural Districts are now overdue and need completion; and

WHEREAS, the Farmland Protection Board has recommended a plan to consolidate County Agricultural Districts to reduce the number of required reviews from thirteen (13) to eight (8) districts in order to permit a more efficient review process that will minimize staffing resource impacts for the County; therefore be it

RESOLVED, That the Chautauqua County Legislature consolidates the following County Agricultural Districts as recommended by the Farmland Protection Board and as shown on the attached map:

- 1) Consolidate County Agricultural District No.1-Westfield, No.3-Portland and No. 4-Ripley with County Agricultural District No.1 serving as the parent district, and
- 2) Consolidate County Agricultural District No. 2-Sheridan, no. 5- Hanover-Forestville and No. 9-Pomfret-Fredonia with County Agricultural District No. 2 serving as the parent district, and
- 3) Consolidate County Agricultural District No. 11- Poland-Ellicott with the Agricultural land from District No. 10 within the Town of Ellington and a portion of agricultural land from District No.13 within the Town of Gerry with County Agricultural District No. 13 serving as the parent district, and
- 4) Consolidate County Agricultural District No. 10- Arkwright, Cherry Creek, and Villenova with agricultural lands from District No. 13 within the Town of Charlotte with County Agricultural District No. 10 serving as the parent district.

Signed: Heenan, Hallquist, Kindberg, Croscut

Unanimously Adopted – March 25, 2009

RES. NO. 61-09
Authorizing Transfer of Realty in City of Dunkirk

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

WHEREAS, pursuant to Resolution 37-09, the Chautauqua County Legislature:

- (1) authorized the creation of a local development corporation (the "Corporation") for the redevelopment of the former Roblin, Edgewood, and Alumax properties owned by the

County and also known as tax parcels 79.16-2-2, 79.16-2-5, 79.16-2-77, 79.12-4-29, 79.12-4-30, 79.12-4-32, (the "Land");

- (2) authorized a public hearing regarding transfer of the Land by the County to the Corporation as required by Section 1411(d)(3) of the New York State Not-For-Profit Corporation Law (the "Act");
- (3) issued a negative declaration regarding transfer of the Land by the County to the Corporation; and

WHEREAS, the public hearing required by the Act has been held, and to facilitate redevelopment of the Land it would be appropriate for the County to transfer the Land to the Corporation at such time as deemed appropriate by the County and Corporation to allow for a redevelopment project on the Land; therefore be it

RESOLVED, That pursuant to Section 1411(d)(1) of the Act, it is hereby found that the Land is not required for use by the County, and the County Executive is authorized to convey the Land to the Corporation for \$1.00, upon such terms and conditions and for such additional consideration as negotiated by the County Executive to facilitate the redevelopment of the Land, including, but not limited to, retention by the County or a transfer back to the County of a portion of the Land as may be necessary for the proposed Millennium Parkway.

Signed: Heenan, Kindberg, Croscut, Hallquist, Gould, Nazzaro, Cornell

Unanimously Adopted – R/C Vote: 25 Yes - March 25, 2009

RES. NO. 62-09

Authorize Agreement with Jamestown Community College for Job Training

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

WHEREAS, the County of Chautauqua, through its Department of Economic Development, desires to facilitate the ability of industry and business to hire and train skilled and motivated employees; and

WHEREAS, the Jamestown Community College has the expertise, ability, and services necessary to provide job training designed to improve basic entry level job skills, upgrade and retrain employees, and provide technical assistance to improve productivity at businesses and industries located throughout Chautauqua County; and

WHEREAS, the County of Chautauqua has appropriated funding for this program during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the Jamestown Community College to provide funding for the job training master agreement program in the amount of Thirty-six Thousand One Hundred Twenty-eight and 00/100 dollars (\$36,128.00).

Signed: Heenan, Kindberg, Croscut, Hallquist, Cornell, Nazzaro, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 63-09

Authorize Agreement with Jamestown Community College/ Chautauqua Leadership Network for Job Training

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

WHEREAS, the County of Chautauqua, through its Department of Economic Development, desires to facilitate the ability of industry and business to hire and train skilled and motivated employees; and

WHEREAS, the Jamestown Community College / Chautauqua Leadership Network has the expertise, ability, and services necessary to provide job training designed to improve basic entry level job skills, upgrade and retrain employees, and provide technical assistance to improve productivity at businesses and industries located throughout Chautauqua County; and

WHEREAS, the County of Chautauqua has appropriated funding to support this program during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the Jamestown Community College / Chautauqua Leadership Network to provide funding for the job training agreement in the amount of Three Thousand Six Hundred Twenty-nine and 00/100 dollars (\$3,629.00).

Signed: Heenan, Kindberg, Croscut, Hallquist, Cornell, Nazzaro, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 64-09

Authorize CCVB to Apply for Matching Funds for NYS Division of Tourism

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

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

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

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

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

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

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

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

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$453,750.00 for the state fiscal year April 1, 2009 through March 31, 2010.

Signed: Cornell, Heenan, Hallquist, Nazzaro, Kindberg, Croscut, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 65-09

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

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

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

WHEREAS, the County of Chautauqua Department of Economic Development pursuant to Article 6 and Section 6.01 of the Chautauqua County Code 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 for the current fiscal year in the amount of One Hundred Fifty Thousand Six Hundred Sixty and 00/100 (\$150,660.00) dollars.

Signed: Cornell, Heenan, Hallquist, Nazzaro, Kindberg, Croscut, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 66-09

Authorize Lease Agreement for Department of Planning at the Riverside Industrial Center

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

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

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

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

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

- 1.) Premises. 2,465 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York
- 2.) Rent. An annual sum not to exceed \$5,946.96 to be paid monthly at the rate of \$495.58 per month.
- 3.) Utilities. Landlord to pay utilities.
- 4.) Term. One year term commencing on January 1, 2009 and terminating December 31, 2009. Subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Signed: Cornell, Heenan, Hallquist, Nazzaro, Kindberg, Croscut, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 67-09

Authorize Sub-Lease Agreement for Department of Economic Development Offices at the Riverside Industrial Center

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

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

WHEREAS, the County Department of Economic Development maintains its office operations on the third floor of the Riverside Industrial Center to facilitate its industrial development activities; and

WHEREAS, the County entered into a sublease agreement for such office space which lease was thereafter assigned to Chautauqua Region Industrial Development Corporation; and

WHEREAS, the County is desirous of extending the agreement for a period of one year under the same terms and conditions and to conform to the sum allocated in the current budget; therefore be it

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

- 1.) Premises – 2,280 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York.
- 2.) Rent – An annual amount not to exceed \$3,921.00 payable at the rate of Three Hundred Twenty-six and 75/100 (\$326.75) Dollars per month.
- 3.) Utilities - Landlord to pay utilities.
- 4.) Term - One year commencing on January 1, 2009 and terminating on December 31, 2009 and subject to termination by prior written notice.
- 5.) Other - As negotiated by the County Executive.

Signed: Nazzaro, Cornell, Heenan, Hallquist, Gould, Croscut, Kindberg

Unanimously Adopted – March 25, 2009

RES. NO. 68-09

Authorize Agreement with Small Business Development Center at Jamestown Community College

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

WHEREAS, the County Department of Economic Development (DED) 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 their early stages of development; and

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

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

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of Forty-One Thousand Four Hundred Fifty-One and 00/100 dollars (\$41,451.00) for the term commencing as of January 1, 2009 through December 31, 2009.

Signed: Heenan, Kindberg, Croscut, Hallquist, Cornell, Nazzaro, Gould

MOVED by Legislator Kindberg, SECONDED by Legislator James to TABLE –Carried w/ Legislators Cafilisch, Richmond voting "no"- March 25, 2009

RES. NO. 69-09

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

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

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

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

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of Sixty-nine Thousand Nine Hundred Sixty-three and 00/100 (\$69,963.00) dollars.

Signed: Cornell, Heenan, Hallquist, Nazzaro, Kindberg, Croscut, Gould

MOVED by Legislator Kindberg, SECONDED by Legislator James to TABLE –Carried w/ Legislators Cafilisch, Richmond voting "no" - March 25, 2009

RES. NO. 70-09

Authorize Agreement with Erie 2-Chautauqua-Cattaraugus BOCES for Job Training

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

WHEREAS, the County of Chautauqua, through its Department of Economic Development, desires to facilitate the ability of industry and business to hire and train skilled and motivated employees; and

WHEREAS, the Erie 2 – Chautauqua – Cattaraugus BOCES has the expertise, ability, and services necessary to provide job training designed to improve basic entry level job skills, upgrade and retrain employees, and provide technical assistance to improve productivity at businesses and industries located throughout Chautauqua County; and

WHEREAS, the County of Chautauqua has appropriated funding for this program during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the Erie 2 – Chautauqua – Cattaraugus BOCES to provide funding for the Job Training Master Agreement program in the amount of Six Thousand Eight Hundred Ninety-one and 00/100 dollars (\$6,891.00).

Signed: Heenan, Kindberg, Croscut, Hallquist, Cornell, Nazzaro, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 71-09
Recognition of Earth Day

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

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

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

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

RESOLVED, That in recognition of Earth Day the user fees at the Chautauqua County Landfill and County Transfer Stations be waived for refuse collected by community and civic groups as part of organized clean-ups of public parks, roadways and other public areas for the period from Saturday April 18, 2009 through Saturday May 9, 2009, provided such community and civic groups advise the County Landfill of their organized clean-up activities one week prior to the start of the activity.

Signed: Park, Nazzaro, Beightol, Babbage

Unanimously Adopted – March 25, 2009

RES. NO. 72-09
Board of Elections Proposal for Compensation of Election Inspectors and Poll Site Facilitators

By Administrative Services and Audit & Control Committees:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, the State Legislature has amended the Election Law and made substantive and procedural changes affecting the conduct and administration of the elective process in the state of New York; and

WHEREAS, New York State Election Law now provides for the compensation of local Election Inspectors by the County and that the rate of compensation for Election Inspectors be set by each County's legislative body pursuant to Section 3-420.; and

WHEREAS, pursuant to Res. No. 29-06 the rate of pay for Chautauqua County Elections Inspectors was previously set by the County Legislature at \$8.00 per hour and the rate for mandatory Election Inspector annual training was set at \$25.00 per session for training in Jamestown, Dunkirk or Mayville without travel allowance or reimbursement for mileage; and

WHEREAS, it has now been determined that the county election process would be best served by the Board of Election designation of one Election Inspector at each poll site as a designated Poll Site Facilitator to coordinate site set up, opening, closing, election result media for transfer to Mayville by privately owned vehicle, suitcase distribution and return and other duties as outlined by the Board of Elections for each election; and

WHEREAS, it has been determined by the Board of Elections that the cost to implement this program will be \$1,875 per non-consolidated election with every poll site and district opened and that most of the cost will be transferred from other expenses currently incurred by on going election administration; now therefore be it

RESOLVED, That the Board of Elections is authorized to designate a single Election Inspector at each poll site as a Poll Site Facilitator at an additional stipend of \$25.00 per poll site and an additional \$5.00 for each election district of more than one site without any mileage reimbursement.

Signed: Wilder, Keefe, Caflich, Barmore, Cornell, Nazzaro, Gould

Unanimously Adopted – R/C Vote: 25 Yes – March 25, 2009

RES. NO. 73-09

Authorize Agreement with Village of Celoron for Demolition of Residential Home on Tax Delinquent Parcel

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards, Legislators' Huckno, Keefe, Caflich, Wilder and Barmore:

WHEREAS, the property located at 45 East Duquesne Street in the Village of Celoron (tax parcel 369.19-1-11) is tax delinquent and has failed to sell at auction following tax foreclosure and the release of the property from bankruptcy proceedings; and

WHEREAS, the code enforcement officer for the Village of Celoron has notified County officials that the residential home on the premises is unsafe and in violation of local building codes; and

WHEREAS, the Village is willing to demolish the structure in order to remove public safety concerns and facilitate the sale of the parcel and its return to the tax rolls; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with the Village of Celoron regarding demolition of the residential home on the property located at 45 East Duquesne Street pursuant to the following terms and conditions:

1. Demolition and Disposal. The Village shall at its cost demolish, remove, and dispose of the residential home at 45 East Duquesne Street (tax parcel 369.19-1-11), and grade and seed the remaining empty lot.

2. Lien for Tipping Fees. In order to facilitate the sale of the vacant property, the Village shall not impose a lien on the premises except for the cost of tipping fees incurred in the disposal of the demolished home and associated debris. The County shall sell the property subject to the Village's lien for tipping fees.

3. Other. As negotiated by the County Executive.

Signed: Keefe, Wilder, Caflich, Barmore

Unanimously Adopted – March 25, 2009

RES. NO. 74-09
Increase Budget Accounts for HUD Lead Hazard Control Grant

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

WHEREAS, the Chautauqua County Department of Health has received a time extension to 10/31/09 for completion of the HUD Lead Hazard Control grant (lead-based paint remediation); and

WHEREAS, no funds were appropriated for 2009 contractual grant expenses; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual – Other Public Health (Lead)	\$600,000
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INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.9HUD	Federal Aid – HUD Lead	\$600,000
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Signed: Stutzman, Lemon, Mueller, Cornell, Nazzaro, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 75-09
Increase Budget Accounts for Primary Prevention Pilot Project (Childhood Lead Poisoning)

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

WHEREAS, the Chautauqua County Department of Health has been selected to receive a one-year grant in the amount of \$167,069 (Special Legislative Session reduction amount) by the New York State Department of Health to implement a Primary Prevention of Childhood Lead Poisoning Pilot Program; and

WHEREAS, the initial contract period is 10/1/08 to 9/30/09 and no funds were appropriated for 2009 contractual grant expenses; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the necessary agreements with the State of New York to secure these funds; and be it further

RESOLVED, That the Director of Finance be and hereby is directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.3	Depreciable Equipment – Other PH (Lead)	\$13,000
A.4189.LEAD.4	Contractual – Other Public Health (Lead)	\$57,500

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R345.0PPP State Aid – Primary Prevention Pilot (Lead) \$70,500

Signed: Stutzman, Lemon, Mueller, Cornell, Nazzaro, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 76-09

Authorize Agreement with the Town of French Creek to Provide Court Officer Services

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of French Creek has requested that the Office of the Sheriff provide a court officer and court security services for the Town Justice Court; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Town of French Creek for the 2009 calendar year to provide such services at an hourly rate of \$22.66 with an amount not exceed \$2,500.00 for the calendar year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Town of French Creek for enhanced police services as set forth above with the revenues there from to be credited to revenue account A.1162.1110.

Signed: Nazzaro, Cornell, Gould

Unanimously Adopted – March 25, 2009

RES. NO. 77-09

County Home Inter-Governmental Transfer 2009 Budget Adjustments

At the Request of County Executive Gregory J. Edwards and Legislators Nazzaro, Gould

WHEREAS, New York State has dramatically reduced funding for public nursing homes that will result in a projected operating loss of \$678,000 for the Chautauqua County Home in 2009; and

WHEREAS, an agreement has been reached with the federal government to restore the Intergovernmental Transfer (IGT) program for public nursing homes in New York where Chautauqua County will be responsible to commit local tax dollars in order to match federal dollars made available through the IGT Program; and

WHEREAS, the County Home is eligible to receive \$8,109,275 through the IGT program and the County committed to funding the required 50% match of \$4,054,637.50 in Resolution 222-08; and

WHEREAS, the American Economic Recovery and Reinvestment Act of 2009 increased the Federal Medicaid Assistance Percentage (FMAP) to 60.19% in April 2009 and a maximum potential of 61.59% in July 2009; and

WHEREAS, the retroactive payments for the FMAP increase to the County covering the last two quarters will total approximately \$2.5 - \$3 million and will be delivered during the last week of March 2009; and

WHEREAS, utilizing the unanticipated FMAP increase to fund the remaining IGT allotment of \$1,463,622 in July 2009 will maximize the County's FMAP reimbursement rate of 61.59% and will save \$441,639 and avert the need to utilize \$1,275,049 in property taxes for 2010; and

WHEREAS, the New York State Department of Health requires the Director of Finance to submit a revised payment plan no later than March 27, 2009; now therefore be it

RESOLVED, That the Director of Finance be hereby directed to submit the following revised IGT payment request schedule to the Department of Health:

April 2009	\$0
July 2009	\$3,810,522
March 2010	\$0
March 2010	\$0, and be it

RESOLVED, That the Director of Finance be hereby directed to make the following 2009 budgetary adjustments:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.6102.4780.0001	SS Rolls – IGT	\$1,275,049
<u>INCREASE REVENUE ACCOUNTS:</u>		
A.6102.----.R.468.9000	Federal Revenues -FMAP	\$1,275,049
EH.REV.R3020.3300	County Home - IGT	\$3,433,376

Signed: Nazzaro, Gould

Adopted w/ Legislator Mueller voting "no" – March 25, 2009

RES. NO. 78-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08; therefore be it

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

JOURNAL OF PROCEEDINGS

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

<u>OFFER NUMBER</u>	<u>MUNIC.</u>	<u>S/B/L</u>	<u>PROPERTY LOCATION</u>	<u>PURCHASER</u>	<u>OFFER AMOUNT</u>	<u>TAXES OWING</u>
QC 4189	Ellery	283.00-2-9	4046 Pickard	Todd Hopkins	\$ 4,296.23	\$ 9,174.99
QC 4190	Ellicott/ Celoron	369.15-2-12	5 Edgewater	William Caruso	\$ 1,500.00	\$ 11,401.83
QC 4192	Jmstn.	387.12-2-65	430 Allen	Randall E. Scott	\$ 2,009.00	\$ 8,562.32
QC 4193	Busti	402.00-1-59	Big Tree Road	Town of Busti	\$10,615.48	\$ 10,615.48
QC 4194	Busti	384.08-2-33	Sixth	Town of Busti Charles H. Fisher	\$ 896.55	\$ 896.55
QC 4197	Jmstn.	387.06-6-24	14 Valley St	Sr. & Edna J. Fisher	\$ 4,000.00	\$ 5,099.91
QC 4146	Busti	384.11-2-17	4638 Ashville	Donald R. Pratt	\$ 2,046.39	\$ 2,046.39
QC 4147	Busti	403.00-2-12	3353 Baker	David W Sherman	\$12,613.63	\$12,613.63
QC 4149	T/Dunkirk French	80.17-1-39	Greenhurst Ave 274 New Buffalo Road	Mary Jane Wills	\$ 526.97	\$ 526.97
QC 4157	Crk.	428.00-1-71		Kathleen A. Nielsen	\$ 4,841.20	\$ 4,841.20

Moved by Legislator Kindberg, SECONDED by Legislator Croscut to amend by substitution – Unanimously Carried

QC 4189	Ellery	283.00-2-9	4046 Pickard	Todd Hopkins	\$ 4,296.23	\$ 9,174.99
QC 4190	Ellicott/ Celoron	369.15-2-12	5 Edgewater	William Caruso	\$ 1,500.00	\$11,401.83
QC 4191	C/Dnk.	79.19-3-29	144 Lincoln	Robert A. Wickham & Elizabeth M. Wickham	\$ 1,000.00	\$18,929.73
QC 4192	Jmstn.	387.12-2-65	430 Allen	Randall E. Scott	\$ 2,009.00	\$ 8,562.32
QC 4193	Busti	402.00-1-59	Big Tree Road	Town of Busti	\$10,615.48	\$10,615.48
QC 4194	Busti	384.08-2-33	Sixth	Town of Busti	\$ 896.55	\$ 896.55
QC 4197	Jmstn.	387.06-6-24	14 Valley St	Charles H. Fisher Sr. & Edna J. Fisher	\$4,000.00	\$ 5,099.91

Unanimously Adopted – R/C Vote: 25 Yes - March 25, 2009

LOCAL LAW
 INTRODUCTORY NO. 1-09
 CHAUTAUQUA COUNTY

A LOCAL LAW ABOLISHING TERM LIMITS FOR THE COMMUNITY SERVICES BOARD OF
 CHAUTAUQUA COUNTY

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

1. Purpose. To promote mental health services in Chautauqua County and improve efficiencies in the Community Services Board by allowing experienced members to serve more than two terms.

2. Abolish Term Limits. The provision in Section 41.11(d) of the Mental Hygiene Law limiting members of the Community Services Board of Chautauqua County to no more than two (2)

consecutive terms is hereby superseded by this Local Law and term limits for the Community Services Board of Chautauqua County are hereby abolished.

3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Laid on Desks: 2/25/09

Leg. Adoption: 3/25/09

Public Hearing: 4/3/09

Adopted as LL 2-09

(R/C Vote: 25 Yes)

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Cornell and duly carried, the meeting was adjourned. (7:00 p.m.)

Regular Legislative Meeting
 Wednesday, April 22, 2009
 Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

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

MOVED by Legislator DeJoe, SECONDED by Legislator Gould and duly carried, the minutes were approved. (03/25/09).

1st Privilege of the Floor

Mr. Dave Travis: 8691 Bear Lake Road, Brocton, N.Y. I am here representing the Brocton American Legion Post #434. I am the Chairman of The Moving Wall committee. I have tonight handing out some cards regarding The Moving Wall, I have my Vice Chair's, Henry Lincoln and Dave Hazelton. We have requested this evening a special allocation from the 2009 Occupancy Tax to go through the expense of bringing The Moving Wall to Brocton. It's been over 12 years since The Moving Wall has been in Chautauqua County. It was last in Mayville in 1996. We anticipate over 20,000 visitors directly as a result of The Moving Wall being here on display. We have many volunteers that are actively working towards bringing The Wall here throughout Chautauqua County. It's not just a Brocton project, it's an entire Countywide project and very happy with the response that we have received. It is a very expensive proposition to present it properly, respectfully and with the dignity that it deserves. In doing such, we are asking the County Legislature for assistance with the occupancy tax. Thank you.

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

COMMUNICATIONS:

1. Letters (2) – Co. Exec. – Appts. To Conewango Watershed & Fish & Wildlife Management Board
2. Letter – Fn. Director – Schulz to NYS Depart. of Health – Re: Medicaid Upper Payment Limit
3. Minutes (2)– Youth Board – March & April-2009
4. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 2-09
5. Letter – Gov. Paterson – Re: Ack. Receipt of Motion 6-09
6. Letter – Assemblyman Parment – Re: Ack. Receipt of Motion 6-09
7. Letter –Assemblyman Giglio – Re: Ack. Receipt of Motion 6-09
8. Report – Fn. Dir. Schulz – March 2009 Investment Results

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 3/25/09

TABLED RES. 68-09 – Authorize Agreement w/ Small Business Development Center at Jamestown Community College (See text on page 67)

RES. NO. 68-09 – Unanimously Adopted – April 22, 2009

RES. NO. 81-09
Establishing "Summer Hours" for County Employees

By Administrative Services Committee:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Section 206 of the County Law permits the County Legislature to fix the number of hours constituting a legal day's work for all classes of county employees; and

WHEREAS, Section 206 of said law further specifically provides that the County Legislature may adjust such hours for the summer months; therefore be it

RESOLVED, That except as may otherwise be mandated by law, the regular hours of all County offices shall commence at 8:30 A.M. and shall terminate at 4:30 P.M. for the period of May 26, 2009 through September 4, 2009.

Signed: Keefe, Caflich, Barmore, Huckno

Unanimously Adopted – April 22, 2009

RES. NO. 82-09
Amend Rules and Regulations of the Chautauqua County Legislature

By Administrative Services Committee:
At the Request of Chairman Keith D. Ahlstrom:

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

WHEREAS, Section 2.05(c) of the Chautauqua County Charter provides that on at least an annual basis prior to the County Executive's preparation of the tentative budget, the County Legislature shall adopt by resolution a comprehensive financial management policy and an investment policy, and shall adopt by resolution programs, goals, objectives, and performance measures for use in the formulation of the budget; and

WHEREAS, the resolutions required by Charter Section 2.05(c) were originally adopted at a separate "Policy Conference" held on a different day from the County Legislature's regular meetings, but pursuant to Resolution 108-06, the County Legislature determined it was more efficient and less costly to hold the Policy Conference at the same time as a regular meeting of the County Legislature (typically in June); and

WHEREAS, rather than splitting a regular meeting of the County Legislature into two parts, it is appropriate that the resolutions required by Charter Section 2.05(c) be acted upon with all other resolutions in the course of a regular meeting of the County Legislature; therefore be it

RESOLVED, That Rule 1.B.1 of Section I of the Rules and Regulations of the Chautauqua County Legislature, and Section III of said Rules and Regulations, that each provide for a separate Policy Conference, are hereby deleted in their entirety in order to allow the resolutions required by Section 2.05(c) of the Chautauqua County Charter to be acted upon during regular meetings of the County Legislature; and be it further

RESOLVED, That the remaining subsections of Rule 1.B and the remaining general sections of the Rules and Regulations of the Chautauqua County Legislature are hereby renumbered to reflect the amendments made in this resolution.

Signed: Keefe, Caflich, Barmore, Huckno

Unanimously Adopted – April 22, 2009

RES. NO. 83-09

CARTS Capital Assistance Grant for American Recovery and Reinvestment Act of 2009

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

WHEREAS, the County of Chautauqua is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of up to or approximately nine (9) Type III Buses (16/2 wc); four (4) Type II buses (10/3 w/c); one (1) mini van; one (1) service truck with Snow plow attachment; five (5) bus shelters; and a camera surveillance system; and

WHEREAS, this new equipment would replace antiquated equipment to improve efficiencies and eliminate the costs of constant repair of old equipment; and

WHEREAS, the County of Chautauqua and the State of New York will enter into an agreement which authorizes the undertaking of the project, and reimbursement to the Municipality of 100% of the project cost through the American Recovery and Reinvestment Act of 2009 at a cost of up to \$1,085,500; therefore be it

RESOLVED, That the County Executive is authorized to sign the following:

- 1) The application for funding;
- 2) Any and all agreements between the County and the State of New York for the above named project;
- 3) Any and all agreements between the County and any third party subcontractors necessary to complete the project; and
- 4) Any and all Municipality/Vendor Contracts for the purchase and/or installation of vehicles and/or equipment pursuant to the application and agreement; and be it further

RESOLVED, The Director of Finance will be authorized to make the appropriate Budgetary adjustments and establish necessary capital accounts if the grant is awarded.

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Richmond, Gould, Cornell

Unanimously Adopted – April 22, 2009

RES. NO. 84-09

Accept Federal Grant Money for Methane Gas Utilization Project

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

WHEREAS, Chautauqua County is currently in the process of building and equipping a facility to utilize landfill methane gas to produce electric power; and

WHEREAS, four lean burn reciprocating combustion engine type generators, fueled by methane gas, will be needed to generate electricity; and

WHEREAS, the total cost of these four generators will be \$3,046,000, which includes a down payment of \$300,000; and

WHEREAS, Chautauqua County was awarded \$492,000 under the FY07 Energy and Water, and Related Agencies Bill, Award DE-FG36-08G088059, Amendment A000 "Methane Gas Utilization Project from Landfill at Ellery, New York"; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to accept this Federal Grant of \$492,000 and that it be utilized to help offset the cost of these generators; and be it further

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

<u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
EL.8160.026.4	Contractual - Energy Recovery Project	\$492,000

<u>ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:</u>		
EL.8160.026.R499.7002	Fed Aid: Methane Energy Grant	\$492,000

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Cornell, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 85-09
Authorizing Acquisition of "UJC Hangar" at the Jamestown Airport

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

WHEREAS, the United Jet Center, Inc. is the record owner or successor in interest to the United Refining Company Hangar commonly known as the "UJC Hangar" at the Chautauqua County Airport located off Turner Road in the Town of Ellicott; and

WHEREAS, the UJC Hangar is constructed on land leased by the County to United Jet Center, Inc. pursuant to a lease that expires on May 9, 2009; and

WHEREAS, the County has offered to purchase the hangar "as is" for \$5,000 for future airport use and such sum is deemed a reasonable price under the circumstances; and

WHEREAS, such facility would be beneficial to the County Airport and increase storage capacity for the Department of Public Facilities; therefore be it

RESOLVED, That the County is hereby authorized to acquire such facility and accept a deed or other instrument conveying the "UJC Hangar"; and be it further

RESOLVED, The County Executive is authorized to execute an appropriate addendum to the lease or other agreement with the United Jet Center, Inc. or United Refining Company to

effectuate the transfer pursuant to this resolution and such other terms and conditions to be negotiated by him.

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Cornell, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 86-09

Accept Grant from FAA to Reconstruct Runway 6-24 at Dunkirk Airport

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

WHEREAS, Chautauqua County has been awarded \$3,500,000 under the American Recovery and Reinvestment Act of 2009 (ARRA) for the reconstruction of Runway 6-24 at the Dunkirk airport; and

WHEREAS, the County of Chautauqua and the State of New York will enter into an agreement which authorizes the undertaking of the project, and reimbursement to the municipality of 100% of the project cost through the American Recovery and Reinvestment Act; and

WHEREAS, the FAA has approved the project for the Chautauqua County Airport at Dunkirk consisting of reconstruction for the Proposed Runway 6-24 at the Dunkirk Airport for ARRA design Project No. 3-36-0022-37-07; therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for ARRA design Project No. 3-36-0022-37-07 at the Chautauqua County Airport at Dunkirk; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project; and be it further

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

RESOLVED, The Director of Finance will be authorized to make the appropriate Budgetary adjustments and establish necessary capital accounts.

ESTABLISH & INCREASE CAPITAL PROJECT ACCOUNT:

H.5610.244.4 Contractual – Runway 6-24 Reconstruction \$3,500,000

ESTABLISH & INCREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.5610.244.R459.2000 Airport Federal Capital Grants \$3,500,000

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Cornell, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 87-09
Modify JCC Tuition Assistance Program for Volunteer Fire Fighters

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

WHEREAS, Resolution No. 155-01 established the JCC Tuition Assistance Program for Volunteer Firefighter Recruitment ("R-Fire"); and

WHEREAS, the Fire Advisory Board recognizes that Volunteer Firefighter Retention is also an important aspect of maintaining continuity within the Volunteer Fire Service; and

WHEREAS, the Fire Advisory Board is concerned with both Volunteer Firefighter Recruitment and Retention, and has recommended changes to the "R-Fire" Scholarship Program to include both Recruitment of new Volunteer Firefighters and Retention of current Volunteer Firefighters; therefore be it

RESOLVED, That the following changes are made to the "R-Fire" Scholarship Program that will address the current needs and trends within the Chautauqua County Volunteer Fire Service:

- (2) Scholarship Recipients. All scholarship recipients:
- a. Shall meet local membership requirements ~~and be accepted into an eligible of any Chautauqua County volunteer fire department as a new active member on or after February 1, 2002~~ (Since the program is a recruitment tool for new firefighters, existing firefighters or former firefighters who have quit and decide to rejoin are not eligible);
 - d. Obligation. Pro-rated based on the number of full-time semesters and or credit hours. Total obligation not to exceed five (5) years (three (3) years post-education).

and be it further

RESOLVED, That Scholarship Recipients may enroll in non-credit courses to enhance skills that may lead to better employment opportunities. (Credit courses will take precedence over non-credit courses); and be it further

RESOLVED, That the County Executive and Director of Emergency Services are authorized and empowered to take such steps as necessary, including the promulgation of rules and regulations, to effectuate the intent of this resolution.

Signed: Runkle, Duff, Huckno, Beightol, Richmond

Unanimously Adopted – April 22, 2009

RES. NO. 88-09
Authorize Grant Agreement w/NYS Division of Criminal Justice Services for Local Law Enforcement Technology

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

Deletion indicated by strikethrough

WHEREAS, the Office of the Sheriff successfully applied for a grant from the NYS Division of Criminal Justice Services; and

WHEREAS, the Sheriff has been approved to receive \$ 30,000.00 from the Victim Assistance Criminal Prosecution and Local Law Enforcement Technology Program to purchase Livescan and related equipment; and

WHEREAS, it is necessary for the County to enter into an agreement with the NYS Division for Criminal Justice Services in order to obtain these grant funds; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement to secure \$30,000.00 from the Victim Assistance Criminal Prosecution and Local Law Enforcement Technology Program under the auspices of the NYS Division for Criminal Justice Services.

Signed: Runkle, Duff, Huckno, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

MOVED by Legislator Kindberg, SECONDED by Legislator Croscut to amend by adding the following:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.2 – Equipment - Sheriff Operations	\$16,800.
A.3110.3 – Depreciable Equipment - Sheriff Operations	10,000.
A.3110.4 – Contractual - Sheriff Operations	3,200.

INCREASE REVENUE ACCOUNT:

A.3110.R.308.9001 Other State Aid	\$30,000.
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Unanimously Adopted as amended – April 22, 2009

RES. NO. 89-09

Increase Escrow Account w/NYS Division of Criminal Justice Services for Live Scan Fingerprints

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

WHEREAS, the County Sheriff has an existing agreement with the New York State Division of Criminal Justice Services for the submission of live scan fingerprints; and

WHEREAS, the County Sheriff has established an escrow account with the New York State Division of Criminal Justice Services to cover fees for processing the fingerprints and related criminal histories for both pistol permit applicants, employees and offenders; and

WHEREAS, the current escrow account allows for only the transaction of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); and

WHEREAS, the County Sheriff has observed a dramatic increase in live scan submissions and that an increase in the escrow account would ultimately increase both productivity and efficiency within County government; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and empowered to increase the New York State Division of Criminal Justice Services Fingerprint Submission Escrow Account to Ten Thousand Dollars (\$10,000).

Signed: Runkle, Duff, Huckno, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 90-09
2008 Hazardous Materials Grant Program

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

WHEREAS, the Office of Emergency Services was awarded a Region Partnership Grant in the amount of \$59,844.00 under the 2008 Hazmat Grant Program that runs through August 2011; and

WHEREAS, the 2008 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Chautauqua County is the submitting partner for the grant and will act as the lead Agency to manage the Grant Funds; and

WHEREAS, the Grant will be used to purchase a Smith's Gas ID Unit; therefore be it

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts to accept the award and enter into a memorandum agreement between the Grant Partners; and be it further

RESOLVED, That the Director of Finance is directed to make the following 2009 budgetary changes:

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Fed Aid: Homeland Security Program	\$ 59,844
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INCREASE APPROPRIATION ACCOUNT:

A.3640.----.3700.0000	Other Equipment – Hazardous Materials	\$ 59,844
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Signed: Runkle, Duff, Huckno, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 91-09
Environmental Assessment for Agricultural District #12 in the Towns of Carroll, Kiantone and Busti

By Legislators Heenan and Kindberg:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Chautauqua County Legislature, as the declared lead agency, must evaluate the environmental impact of Agricultural District # 12, Towns of Carroll, Kiantone and Busti; and

WHEREAS, the modification of an agricultural district is considered an unlisted action and as such the criteria set out in 6 NYCRR 617.7 must be used to determine the degree of environmental impact; and

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

WHEREAS, this Legislature has reviewed the EAF and supporting documentation, copies of which are attached; therefore be it

RESOLVED, That the Chautauqua County Legislature, as lead agency, has determined that the continuation and modifications as proposed of Agriculture District # 12 in the Towns of Carroll, Kiantone and Busti, will not have a significant environmental impact and authorizes the County Executive to execute a "Negative Declaration" for the proposed action.

Signed: Heenan, Kindberg

Unanimously Adopted – April 22, 2009

RES. NO. 92-09

Determination of Chautauqua County Legislature on the 8-Year Review and Proposed Modifications of Chautauqua County Agricultural District #12 in the Towns of Carroll, Kiantone, Busti

By Legislators Heenan, Kindberg:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Article 25AA of the Agricultural Districts Law and notification by New York State Department of Agriculture and Markets, the Chautauqua County Agricultural District # 12, in the Town of Carroll, was due for an 8-year review and this review process was submitted to the Legislature and thereafter referred to the County Farmland Protection Board (FPB); and

WHEREAS, the requirements of SEQRA have been met and the 8-year review process has been completed by the FPB and the Agricultural District Assessment Report has been filed with the recommendation to continue the district with modifications, and the public hearing was held by the Legislature on March 26, 2009 in order to gather input from landowners in the district; therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature to continue Chautauqua County Agricultural District # 12 as modified with lands in the Towns of Carroll, Kiantone and Busti, in accordance with the recommendations of the County Farmland Protection Board, input gathered from the public hearing and input received from landowners with final recommendations shown on the map dated March 31, 2009 attached hereto and made part hereof; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file the modified plan and all things necessary to be filed with the Commissioner of Agriculture and markets for final certification.

Signed: Heenan, Kindberg

Unanimously Adopted – April 22, 2009

RES. NO. 93-09
Additional 2009 Occupancy Tax Allocation

By Audit & Control Committee:
At the Request of Legislators Tom DeJoe and Chuck Cornell:

WHEREAS, the Brocton American Legion Post 434 has been selected as the location to erect "The Moving Wall" on September 10-14, 2009; and

WHEREAS, The Moving Wall is a one-half scale replica of the Vietnam Veterans Memorial Wall in Washington, DC, listing more than 58,000 names of armed forces personnel that fell in the Theater of combat of the Vietnam conflict, including those missing in action; and

WHEREAS, the Committee formed to accomplish the task of properly presenting The Moving Wall in a respectful and dignified manner has created sub-committees to manage all aspects of the event with more than 80 volunteers already and has created a budget estimated to exceed \$40,000; and

WHEREAS, The Moving Wall is expected to draw more than 20,000 visitors during the five-day period it; and

WHEREAS, the County's occupancy tax revenues are to be utilized for tourism and related business revenues beneficial to Chautauqua County, including the promotion of special events such as The Moving Wall that will bring numerous visitors and beneficial economic impact to Chautauqua County; and

WHEREAS, due to the unanticipated selection of the Brocton American Legion Post 434 to host The Moving Wall after the 2009 occupancy tax funding review was completed, it is appropriate that the County provide financial support to the Brocton American Legion Post 4343 utilizing the occupancy tax reserve; therefore be it

RESOLVED, That The Moving Wall to be hosted by the Brocton American Legion Post 434 shall be allocated the sum of \$5,000 from the County's occupancy tax reserve to assist in the cost of preparing for the respectful and dignified presentation of this monumental memorial of our Vietnam Veterans.

Signed: Heenan, Kindberg, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 94-09
Awarding and Approval of Funding of Projects for 2009 2% Occupancy Tax Projects

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

WHEREAS, the Chautauqua County Legislature authorized by Resolution No. 17-09 that the Department of Planning & Economic Development arrange New York State Environmental Quality Review (SEQR) for projects recommended by the Waterways Panel; and

WHEREAS, the various involved agencies have reviewed the projects consistent with the SEQRA and applicable state regulations and have made determinations that the proposed actions will not result in any significant environmental impacts and have prepared and filed Short

Environmental Assessment Forms (SEAF), copies of which are annexed hereto together with the Negative Declarations and supporting data; and

WHEREAS, the Department of Planning & Economic Development recommends that the projects that are ranked numbers 4, 5, 6, 9, and 30 on the Waterways Panel list be classified as Type II Actions under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and accordingly do not require additional environmental review; and

WHEREAS, the Department of Planning & Economic Development recommends that the projects that are ranked 1, 2, 3, 7, 8, 10, 11, 12, and 13 on the Waterways Panel list be classified as Unlisted actions under SEQRA and do not require a coordinated review, and the County has caused a Short Environmental Assessment Form (the "SEAF") to be prepared for said projects; and

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

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

RESOLVED, That project numbers 1 through 13 and 30 are hereby awarded the amounts as set forth by the Waterways Panels list of ranked and prioritized projects out of the 2% Occupancy tax in the 2009 County Budget.

Signed: Heenan, Kindberg, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 95-09

Establish Petty Cash Account – Mental Hygiene Tapestry Program

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

WHEREAS, the Chautauqua County Department of Mental Hygiene's Chautauqua-*Tapestry* (SAMHSA System of Care Grant) will encounter expenses on behalf of the community partners which will call for immediate payment; and

WHEREAS, a petty cash fund established for these purposes would improve delivery of services provided by Chautauqua-*Tapestry*; and

WHEREAS, the Legislature is authorized to establish petty cash accounts by Section 371 of the County Law; therefore be it

RESOLVED, That a revolving petty cash fund for these purposes be established in the amount of \$1,500 and that the Commissioner of Mental Hygiene shall be responsible for the use of the petty cash fund and shall forthwith reimburse such petty cash fund in the amount of any disallowed payments.

Signed: Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – April 22, 2009

RES. NO. 96-09

Establish the Francis G. "Mac" McCoy Office for the Aging Memorial Fund

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the senior community in Chautauqua County and the Office for the Aging mourn the loss of a dedicated advocate, Francis G. "Mac" McCoy; and

WHEREAS, the former Director of the Office for the Aging continued to be involved in senior advocacy through his work on various boards and senior groups as well as by his articles of interest in local newspapers; and

WHEREAS, the Chautauqua County Office for the Aging with the support of the local community will be establishing an endowment fund in memory of Francis G. "Mac" McCoy; and

WHEREAS, such funds will be used annually to enhance and expand services to help those senior citizens most at risk or in need of community support; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an appropriate endowment fund agreement with a local community foundation; and be it further

RESOLVED, That the Director of Finance is hereby authorized to establish the following trust accounts:

TA.201.MACM Mac McCoy Trust Account
TA.98.MACM Mac McCoy Trust

Signed: James

Unanimously Adopted – April 22, 2009

RES. NO. 97-09

Supporting Passage of A.7230 & S.3300 – An ACT to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions

By Audit & Control Committee:

At the Request of Chairman Keith D. Ahlstrom and County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 31-09, the County made a home rule request for authority to continue through November 30, 2011 the 5% occupancy tax that allows additional funds to be dedicated to the enhancement of lakes and streams in the County; and

WHEREAS, the State Assembly and the State Senate now have Bills before them to create said authority; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. 7230 and New York State Senate Bill No. 3300 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: Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – R/C Vote: 25 Yes - April 22, 2009

2nd Privilege of the Floor

No one chose to speak at this time

MOVED by Legislator Kindberg, SECONDED by Legislator DeJoe to adjourn

(R/C Vote: 14 Yes; 11 No)- No's: Babbage, Barmore, Caflich, Croscut, Duff, Gould, Hallquist, Lemon, Park, Richmond, Runkle – **ADJOURN**

LOCAL LAW
INTRODUCTORY NO. 2-09
CHAUTAUQUA COUNTY

ELIMINATION OF HEALTH INSURANCE BENEFITS FOR CHAUTAUQUA COUNTY
LEGISLATORS

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

1. Elimination of Health Insurance Benefits for County Legislators. Effective January 1, 2010, County Legislators will not be eligible for a paid health insurance benefit.

2. Elimination of Health Insurance Opt-Out Payments and Retirement Health Insurance Benefits. Effective January 1, 2010, any health insurance opt-out payment alternative and any retirement health insurance benefits for County Legislators are hereby eliminated. Current or former County Legislators who have earned retirement health insurance benefits under the current or prior management benefit plans shall remain entitled to receive such benefits. Notwithstanding prior local laws, current County Legislators as of the effective date of this Local Law may use their accrued retirement health insurance benefits immediately at any time on or after January 1, 2010, whether or not they are still in office and whether or not they are of retirement age, or may defer their use until retirement from the Legislature in the manner otherwise available to County managers. No additional months of retirement health insurance coverage may be earned after December 31, 2009.

3. Participation in Managerial Health Insurance Plans by County Legislators. Notwithstanding the amended policy of health insurance benefits for County Legislators pursuant to this Local Law, County Legislators shall be entitled at their option to participate in other health insurance programs generally available to County managers, but shall be required to pay the full premium amount as determined by the Director of Finance for the applicable health insurance plan chosen by the County Legislator.

4. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Mailed: 4/2/09

Leg. Adoption: 4/22/09
 Public Hearing: 5/4/09
 Adopted as LL 3-09

(R/C Vote: 21 Yes; 4 No) No's: Beightol, Caflich, Huckno, Keefe

LOCAL LAW
 INTRODUCTORY NO. 3-09
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER – TERM OF OFFICE FOR
 COUNTY LEGISLATORS

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

Section I. Amendment to County Charter.

Section 2.02 of the Chautauqua County Charter governing the "Terms of Office; Qualifications" of the County Legislature is hereby amended as follows:

Section 2.02 Terms of Office; Qualifications

The terms of office of County Legislators shall be two (2) years and shall begin on the first day of January following their election. Effective for the terms of office of County Legislators commencing January 1, 2012, the terms of office of County Legislators shall be four (4) years. Each member of the County Legislature shall, at the time of the Legislator's nomination and election and throughout the Legislator's term of office, be and remain a qualified elector of the district from which the Legislator is elected. No County Legislator shall hold at the same time any other elective public office other than a position as a Chautauqua County School Board member which receives no compensation for services.

Section II. Effective Date.

This Local Law shall become effective upon approval by the affirmative vote of a majority of the qualified electors of County government voting upon the proposition at the next general election held not less than sixty (60) days after the adoption hereof, and upon filing with the Secretary of State.

Mailed: 4/9/09 (R/C Vote: 15 Yes; 10 No) No's: Babbage, Barmore, Caflich, Croscut, Duff,
 Defeated: 4/22/09 Gould, Hallquist, Huckno, Nazzaro, Park

LOCAL LAW
 INTRODUCTORY NO. 4-09
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER – RE: SIZE OF COUNTY
 LEGISLATURE

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

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the next regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than fifteen (15) members, and shall be enacted pursuant to the grant of authority set forth in Section 10 of the New York State Municipal Home Rule Law.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Mailed: 4/9/09 (R/C Vote: 12 Yes; 13 No) No's: Babbage, Barmore, Beightol, Caflich, Crocut,
 Defeated: 4/22/09 Gould, Hallquist, Huckno, Lemon, Park, Richmond, Runkle, Wilder

LOCAL LAW
 INTRODUCTORY NO. 5-09
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER – RE: TERM LIMITS FOR COUNTY LEGISLATORS

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

Section I. Amendment to County Charter.

Section 2.02 of the Chautauqua County Charter governing the “Terms of Office; Qualifications” of the County Legislature is hereby amended to add the following sentences at the end of Section 2.02:

Commencing with the term of office to begin January 1, 2012, no County Legislator shall be elected to serve consecutive terms of office totaling greater than twelve (12) years. Service prior to January 1, 2012 will be counted in said term limit calculation.

Section II. Effective Date.

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

Mailed: 4/9/09 R/C Vote: 9 Yes; 16 No (No's: Babbage, Barmore, Beightol, Caflich, Crocut,
 Defeated 4/22/09 DeJoe, Gould, Hallquist, Huckno, Keefe, Lemon, Nazzaro, Park, Richmond,
 Runkle, Wilder

Regular Legislative Meeting
 Wednesday, May 27, 2009
 Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.
 Absent: James

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

MOVED by Legislator Gould, SECONDED by Legislator DeJoe and duly carried, the minutes were approved. (04/22/09).

1st Privilege of the Floor

No one chose to speak at this time.

FISHING ESSAY AWARDS
 By County Executive Gregory J. Edwards
 Chairman Keith D. Ahlstrom

COMMUNICATIONS:

1. Letters (2) – Appts. Planning Board & Fish and Wildlife Management Board
2. Letter – Chaut. Watershed Conservancy – Apptmt. Request to CLMC
3. Letter – Chaut. Water Quality Task Force – Apptmt. Request to CLMC
4. Letter – Chaut. Lake Assn. – Appts. Request to CLMC
5. Minutes – Chaut. County Youth Board – May/2009
6. Draft Minutes – Chaut. Co. Soil & Water Conservation Dist. – March/2009
7. Letter – Dept. of State – Re: Ack. Receipt of LL 3-09
8. Letter – Senator Young – Re: Ack. Receipt of Motions 2, 3, 4, & 5-09
9. Letter – NYSAC – Re: Ack. Receipt of Motions 4 & 5-09
10. Letter – NYS Ag. & Markets – Re: Upcoming Review Ag. District 12

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 04/22/09

MOTION: (On file w/ 5/27/09 Leg. Data)

7-09 Support Spending of Federal Economic Renewal Grants to Chautauqua County – Unanimously Adopted

RES. NO 98-09
 Confirm Appointments – New York State Fish & Wildlife Management Board

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

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

James Rizzo
6061 Peerless Street
Brocton, N.Y. 14716
Term Expires: 12/31/10

Douglas Richmond
27 E. Main Street
Westfield, N.Y. 14787
Term Expires: 4/30/11

Signed: Park, Beightol, Babbage

Unanimously Adopted – May 27, 2009

RES. NO. 99-09
Confirm Appointment - Chautauqua County Planning Board

By Legislator Heenan:
At the Request of County Executive Gregory J. Edwards:

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

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

Truman Bradley, Jr.
26 Albany Avenue
Dunkirk, N.Y. 14048

Term Expires: 4/30/12

Signed: Heenan

Unanimously Adopted – May 27, 2009

RES. NO. 100-09
Amend By-Laws and Confirm Appointments for Chautauqua Lake Management Commission

By Legislator Heenan:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, pursuant to Resolutions 133-05 and 182-05, the County Legislature established the Chautauqua Lake Management Commission (CLMC) with commission members appointed by various lake organizations subject to approval by the County Legislature; and

WHEREAS, the CLMC By-Laws provide that the initial chairman and members of the Commission would serve for a term of two (2) years, but that subsequent terms would be only one (1) year; and

WHEREAS, it is appropriate that future terms of the CLMC chairman and members of the Commission be restored to two (2) years, and the CLMC has received letters of recommendation from the participating member organizations for the proposed members listed below; therefore be it

RESOLVED, That the second paragraph of the CLMC By-Laws entitled "Members" is hereby amended to read as follows:

The Chairman and each appointed member shall be confirmed by the Legislature and shall serve a term of two (2) years. Members shall not receive compensation for their services; and be it further

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointments of the following chairman and members of the Chautauqua Lake Management Commission to serve for a term of two (2) years to expire June 30, 2011:

Lyle T. Hajdu, Chairman
4350 W. Summit Avenue
Lakewood, NY 14750

Arthur D. Webster Jr.
Chautauqua Watershed Conservancy
5412 Groveland
Dewittville, NY 14728

Sally Carlson, Town of North Harmony
Conference of Mayors & Supervisors
PO Box 176
Stow, NY 14785

Wade Morse
Chautauqua County Farm Bureau
3731 Morley Rd.
Ashville, NY 14710

Andrew Nixon
Chautauqua County Visitors Bureau
PO Box 1441
Chautauqua, NY 14722

Lyle C. Jensen, PhD
Save Our Lake Environment (SOLE)
4977 Route 474
Ashville, NY 14710

Karen Rine
Chautauqua Lake Partnership
87 Longview Ave.
Jamestown, NY 14701

P. Christian Yates
Chautauqua Lake Association
800 Lakeview Avenue
Jamestown, NY 14701

Thomas A. Erlandson
Chautauqua Co. Water Quality Task Force
26 Valley View Drive
Frewsburg, NY 14738

Joan Warner
Chautauqua Co. Federation of Sportsmen
PO Box 332
Ashville, NY 14710

Signed: Heenan

Unanimously Adopted – May 27, 2009

RES. NO. 101-09

Changing Place of the Chautauqua County Legislature July 2009 Meeting

By Administrative Services Committee:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Section I, Rule (1)(C) provides that the Legislature meetings may be held at any suitable site within the County; therefore be it

RESOLVED, That the County Legislature's July meeting be held at the Clarion Hotel & Conference Center, 30 Lake Shore Dr. E, Dunkirk, NY on Wednesday, July 29, 2009 at 6:30 p.m.

Signed: Wilder, Keefe, Caflich, Huckno, Barmore

Adopted w/ Mueller voting "no" – May 27, 2009

RES. NO. 102-09
Amend Rules & Regulations of the Chautauqua County Legislature

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

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

WHEREAS, Rule 5 of Section I in the current rules and regulations provides for legislative consideration of motions, that are defined as "informal proposed actions in writing dealing with matters which are not legislative in character," in which the County Legislature "may express its opinion for the good of the County in the form of a statement of policy," or as the "Sense of the Chautauqua County Legislature; and

WHEREAS, consideration of motions which are not legislative in character is unnecessary, and can actually have a polarizing effect that can negatively impact the legislative process for resolutions and local laws; therefore be it

RESOLVED, That Rule 5 of Section I in the Rules and Regulations of the Chautauqua County Legislature is hereby deleted along with all other references to motions in said rules and regulations, and be it further

RESOLVED, That the remaining Rules and Regulations of the Chautauqua County Legislature are hereby renumbered to reflect the amendments made in this resolution.

Signed: Kindberg, Huckno (A.S. Defeated 2-3)

Defeated –R/C Vote: 5 Yes; 19 No: No's: Babbage, Barmore, Beightol, Cafilisch, Croscut, DeJoe, Duff, Gould, Hallquist, Keefe, Kleparek, Lemon, Mueller, Nazzaro, Park, Richmond, Runkle, Stutzman, Wilder - May 27, 2009

RES. NO. 103-09
Authorize Agreement w/ Chautauqua Leadership Network for the "Great Chautauqua County Air Show 2009"

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

WHEREAS, the Chautauqua Leadership Network has sponsored previous Sky Jam events and the 2008 SKYFEST Air Show; and

WHEREAS, the Chautauqua Leadership Network has requested authorization to utilize the Chautauqua County Airport at Jamestown on Friday, August 21, 2009 through Sunday, August 23, 2009 for "The Great Chautauqua County Air Show 2009"; and

WHEREAS, the Chautauqua County Airport Commission has recommended that the County Legislature authorize and approve "The Great Chautauqua County Air Show 2009" as proposed by the Great Chautauqua County Air Show 2009 Steering Committee; and

WHEREAS, it is appropriate to hold the event at the County Airport in order to continue the successful ballooning event and aircraft/air show event as an effective way to promote the County Airport; and

WHEREAS, the particulars of the proposed event include:

1. Location: Event will be located in the vicinity of the main terminal building and main terminal ramp at the County Airport in Jamestown.
2. Dates: Friday, August 21 – Saturday, August 22 – Sunday, August 23, 2009.
3. Insurance: appropriate event insurance coverage subject to the approval of the Insurance Department will be secured to cover County and Chautauqua County Leadership Network for "The Great Chautauqua County Airshow 2009"; balloonists required to provide proof of insurance.
4. Fees: Chautauqua Leadership Network may charge reasonable fees for entry, balloonist registration and concessionaires; therefore be it

RESOLVED, That Chautauqua Leadership Network is authorized to utilize the Jamestown Airport to conduct the proposed air show and the Chautauqua County Executive is hereby authorized and empowered to execute an agreement with the Chautauqua County Leadership Network for the use of the County Airport for "The Great Chautauqua County Air Show 2009".

Signed: Park, Beightol, Nazzaro, Babbage

Unanimously Adopted – May 27, 2009

RES. NO. 104-09

Authorize Lease Agreement w/ El Greco Woodworking Inc. for Parking Area

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

WHEREAS, the ongoing renovations to the Fourth Street parking ramp have eliminated parking opportunities for County Employees at the South County Office Building and City Hall in Jamestown; and

WHEREAS, El Greco Woodworking Inc. has made an area located on Institute Street available until ramp renovations are completed to allow parking for the affected employees; and

WHEREAS, El Greco Woodworking Inc. has offered this lot for parking rent free subject to the County leveling the ground to make it safe for parking; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into a lease agreement for parking area on substantially the following terms:

1. Premises. Located on Institute Street in Jamestown, identified as parcels 387.41-3-21 and 387.41-3-40 of the Chautauqua County Tax Map.
2. Rent. No cost to County; County will level existing gravel area with millings
3. Term. April 24, 2009 to November 30, 2009
4. Other. As negotiated by the County Executive.

Signed: Park, Beightol, Babbage

Unanimously Adopted – May 27, 2009

RES. NO. 105-09
Transfer of Funds for County Home Project

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

WHEREAS, the County Home has a Capital Project for Elevator Renovations and Upgrades; and

WHEREAS, bids have been received that exceed the original budgeted estimate by more than \$40,000; and

WHEREAS, another County Home Capital Project has an excess of \$40,000 that can be used to provide for the additional cost of the Elevator project; therefore it be

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

DECREASE CAPITAL PROJECT ACCOUNT:

EH.4530.326.4	Contractual – HVAC Upgrade/Energy Improvements	\$40,000
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INCREASE CAPITAL PROJECT ACCOUNT:

EH.4530.314.4	Contractual – Elevator Repairs	\$40,000
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Signed: Park, Beightol, Nazzaro, Babbage, Cornell, DeJoe, Richmond, Gould

Unanimously Adopted – May 27, 2009

RES. NO. 106-09
Authorizing Creation of a Fire Police Response Team

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

WHEREAS, the fire service of the County of Chautauqua maintains a county-wide mutual aid system; and

WHEREAS, there is a need for Fire Police support services to assist local fire departments in dealing with incidents where specialized training and equipment may be needed including, but not limited to incidents involving traffic control, incident scene security and peace officer support; and

WHEREAS, pursuant to General Municipal Law Section 209-j, 209-bb and 209-c the County Legislature is authorized to establish a mutual aid plan and desires to create a Fire Police Team as part of the mutual aid system; therefore be it

RESOLVED, That the County Legislature hereby authorizes the County Director of Emergency Services to create a Fire Police Response Team whose membership shall be drawn from the County fire service and provide for their training in order to permit them to respond to emergencies wherein specialized training and equipment beyond the scope of the local fire department is required.

Signed: Runkle, Huckno, Beightol, Richmond, Duff

Unanimously Adopted – May 27, 2009

RES. NO. 107-09

Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2009 Byrne JAG Grant

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

WHEREAS, the City of Jamestown and County of Chautauqua are eligible to receive Funding under the Fiscal Year 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a local solicitation process including the County of Chautauqua and the City of Dunkirk; and

WHEREAS, the County is expecting to receive an award in the amount of \$27,183.00 to be used for equipment upgrade and replacement of bulletproof vests for the Office of the Sheriff; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the City of Jamestown to obtain such funds through its application for the Recovery Act Byrne JAG grant for Fiscal Year 2009.

Signed: Runkle, Duff, Huckno, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – May 27, 2009

RES. NO. 108-09

Homeland Security Program for Fiscal Year 2008

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

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2008; and

WHEREAS, the grant runs from September 1, 2008 through August 31, 2011, in the amount of \$207,750, to be used in accordance with NYS Homeland Security Initiative in conjunction with National Homeland Security objectives; and

WHEREAS, the objectives of this program are to enhance for communication planning, training for Improvised Explosion Device detection, radiation detection monitors and dosimeters, teleconferencing equipment, vehicle and upgrades for Bomb squad hardware and software; therefore be it

RESOLVED, That the County Executive is authorized to sign the necessary contract and the Director of Finance is hereby directed to accept the grant money into deferred revenue.

Signed: Runkle, Duff, Huckno, Beightol, Richmond, Cornell, DeJoe, Nazzaro, Gould

MOVED by Legislator Croscut, Seconded by Legislator Caflich to amend by deleting the rest of the sentence in the RESOLVED after the word "contract". – Unanimously Carried

Unanimously Adopted as amended – May 27, 2009

RES. NO. 109-09
Increase Appropriation Accounts for Cola Funding

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

WHEREAS, the New York State Department of Health has awarded Cost of Living Adjustment (COLA) awards to the Chautauqua County Department of Health for programs as outlined in Part C.1.5 of Chapter 57 of the Laws of 2006; and

WHEREAS, these funds must be used for recruitment and retention of staff or other critical non-personal service costs; and

WHEREAS, the 2009 Chautauqua County Adopted Budget does not include these additional grant monies; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4035.----.2	Equipment – Family Health	\$ 3,500
A.4035.----.4	Contractual – Family Health	\$26,987
A.4042.----.4	Contractual – Rabies	\$ 1,684
A.4090.----.4	Contractual – Environmental Health	\$ 4,239

INCREASE REVENUE ACCOUNTS:

A.4035.----.R345.0FPC	State Aid – Family Planning COLA	\$30,487
A.4042.----.R345.0000	State Aid – Rabies COLA	\$ 1,684
A.4090.----.R348.9ATC	State Aid – ATUPA COLA	\$ 4,239

Signed: Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – May 27, 2009

RES. NO. 110-09
Distribution of Mortgage Tax

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due them pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2008 through March 31, 2009

<u>TOWNS</u>		<u>CITIES</u>	
Arkwright	4,314.67	Dunkirk	21,844.63

JOURNAL OF PROCEEDINGS

Busti	38,998.34	Jamestown	61,557.59
Carroll	13,083.43		
Charlotte	35,629.52	TOTAL	83,402.22
Chautauqua	58,377.15		
Cherry Creek	4,054.48		
Clymer	3,235.48	VILLAGES	
Dunkirk	14,001.79		
Ellery	50,416.55	Bemus Point	2,737.26
Ellicott	29,717.24	Brocton	1,482.21
Ellington	5,576.57	Cassadaga	3,485.59
French Creek	8,226.40	Celoron	1,217.32
Gerry	3,249.00	Cherry Creek	566.93
Hanover	21,328.53	Falconer	3,520.92
Harmony	4,649.49	Forestville	746.78
Kiantone	9,645.50	Fredonia	18,666.99
Mina	13,063.45	Lakewood	12,529.47
North Harmony	21,378.08	Mayville	2,912.15
Poland	8,314.13	Panama	438.96
Pomfret	37,642.30	Sherman	1,252.80
Portland	11,169.08	Silver Creek	3,134.65
Ripley	7,475.57	Sinclairville	4,278.90
Sheridan	11,686.72	Westfield	<u>859.42</u>
Sherman	6,833.18		
Stockton	4,913.78	TOTAL	\$57,830.35
Villanova	3,099.73		
Westfield	<u>14,748.04</u>		
TOTAL	\$444,828.20	GRAND TOTAL	\$586,060.77

Signed: Cornell, DeJoe, Nazzaro, Wilder, Keefe, Caffisch, Huckno, Barmore, Richmond, Gould

Unanimously Adopted – May 27, 2009

RES. NO. 111-09

Terminating Agreements with the Cities of Jamestown and Dunkirk for Joint Collection of Real Property Taxes

By Administrative Services Committee:

At the Request of Legislators Caffisch, Barmore, Croscut, Babbage, Richmond, Park, Gould,
Lemon, Runkle:

WHEREAS, pursuant to Resolution 249-96, the County of Chautauqua and the cities of Jamestown and Dunkirk entered into agreements for joint collection of real property taxes that

included the advance by the County to the cities of the full amount of delinquent taxes over the course of each fiscal year; and

WHEREAS, Resolution 249-96 and said joint tax collection agreements also required that the cities and County would share, on a pro rata basis, any surplus, deficiency or liability arising from the joint collection and enforcement of taxes after taking into account advance payments made by the County; and

WHEREAS, notwithstanding Resolution 249-96 and said joint tax collection agreements, the County has effectively guaranteed the collection of the cities' taxes and the cities have not shared in the deficiencies or liabilities arising from the joint collection and enforcement of taxes; and

WHEREAS, until the County and cities satisfactorily resolve their respective obligations under the existing tax joint collection agreements and new agreements negotiated for the future, the existing agreements should be terminated; therefore be it

RESOLVED, That the authorization in Resolution 249-96 for joint tax collection agreements with the City of Jamestown and City of Dunkirk is hereby rescinded and the County Executive is empowered to terminate said joint tax collection agreements.

Signed: Wilder, Keefe, Caflich, Huckno, Barmore

MOVED by Legislator Nazzaro, SECONDED by Legislator Cornell to amend by substitution –

Establishing Uniform County-wide Policy for Collection and Enforcement of Real Property Taxes

At the Request of: Legislators Ahlstrom, Heenan, Wilder, Beightol, Huckno, Cornell, Kindberg, Nazzaro, Mueller, DeJoe, Kleparek and Keefe

WHEREAS, pursuant to Resolution 249-96, the County of Chautauqua and the cities of Jamestown and Dunkirk entered into agreements for joint collection and enforcement of real property taxes that included the advance by the County to the cities of the full amount of delinquent taxes over the course of each fiscal year; and

WHEREAS, pursuant to New York State law, the County guarantees and enforces tax collection for the towns and school districts outside the cities, and by local option, the County began guaranteeing and enforcing village taxes in 1989; and

WHEREAS, the Chautauqua County Legislature desires to see all towns, villages and cities treated equally; therefore be it

RESOLVED, That the authorization in Resolution 249-96 for joint tax collection agreements with the City of Jamestown and City of Dunkirk is hereby rescinded and the County Executive is empowered to terminate said joint tax collection agreements; and be it further

RESOLVED, That the Chautauqua County Legislature hereby establishes a uniform County-wide policy for collection and enforcement of real property taxes, that shall provide that collection and enforcement of real property taxes for the cities and school districts within the cities shall be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the cities, including the guarantee of all such taxes; and be it further

RESOLVED, That the County Executive is authorized and empowered to negotiate new joint tax collection agreements with the cities of Jamestown and Dunkirk to take effect on or before January 1, 2010 consistent with the establishment of a uniform County-wide policy for collection and enforcement of real property taxes set forth in this resolution.

Adopted as amended - R/C Vote: 15 Yes; 9 No; 1 Absent - (No's: Babbage, Barmore, Caflich, Croscut, Gould, Lemon Park, Richmond, Runkle – May 27, 2009

RES. NO. 112-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08; 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.

<u>OFFER #</u>	<u>MUNIC.</u>	<u>S/B/L</u>	<u>PROPERTY LOCATION</u>	<u>PURCHASER</u>	<u>FORECLOSED OWNER</u>	<u>OFFER AMT</u>	<u>TAXES OWING</u>
QC 4195	Ripley	225.00-1-34	Old Rt. 20	JP Morgan Chase Bank	JP Morgan Chase Bank	\$4,272.17	\$ 4,272.17
QC 4191	C/Dnk.	79.19-13-29	144 Lincoln	Robert A. & Elizabeth M. Wickman	Smith, Michael	\$1,000.00	\$18,929.73

Approved at 10/14/08 – Administrative Services

PA 150	Mina	358.00-1-6	Co. Hwy. 1	Mount, Thomas	Gorski, Raymond	\$23,001.0	\$ 6,173.95
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Signed: Keefe, Wilder, Caflich, Huckno, Barmore

Unanimously Adopted - R/C Vote: 24 Yes; 1 Absent – May 27, 2009

EMERG. RES. NO. 113-09
Accept Grant from FAA to Construct T-Hangar Taxilane

By County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County has been awarded \$210,500 for the construction of T-hangar Taxilane at the Dunkirk airport; and

WHEREAS, the County of Chautauqua and the State of New York and the FAA will enter into an agreement which authorizes the undertaking and funding of the project as follows:

Federal - 95%
State - 2.5%
Local - 2.5% ; and

WHEREAS, the FAA has approved the project for the Chautauqua County Airport at Dunkirk consisting of construction of T-Hangar Taxilane at the Dunkirk Airport for FAA AIP Project No. 3-36-0022-41-09; now therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for FAA AIP Project No. 3-36-0022-41-09 at the Chautauqua County Airport at Dunkirk; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project.

Unanimously Adopted – May 27, 2009

EMERG. RES. NO. 114-09

Supporting Passage of A.8502 & S.5662 entitled "AN ACT to amend the tax law, in relation to imposition of sales and compensating use taxes in the county of Chautauqua"

By Chairman Keith D. Ahlstrom

WHEREAS, the authority for the County's additional three-quarters of one percent (.75%) sales tax will expire on November 30, 2009; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to continue an additional three-quarters of one percent (.75%) sales tax from December 1, 2009 through November 30, 2010, and an additional one-half of one percent (.50%) sales tax from December 1, 2010 through November 30, 2011; and

WHEREAS, the extended authorization requires the County to continue its sales tax exemption on residential energy, and to assist the towns, villages and cities for the corresponding reduction in sales tax revenues by sharing one fifth (1/5) of the net collections from the additional three-quarters of one percent (.75%) of sales tax with the towns, villages and cities from December 1, 2009 through November 30, 2010, and by sharing three-tenths (3/10) of the net collections from the additional one-half of one percent (.50%) of sales tax with the towns, villages and cities from December 1, 2010 through November 30, 2011; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.8502 and New York State Senate Bill No. S.5562 entitled "AN ACT to amend the tax law, in relation to imposition of sales and compensating use taxes in the county of Chautauqua."

Adopted – R/C Vote: 14 Yes; 10 No; 1 Absent (No's: Babbage, Heenan, Huckno, Kindberg, Lemon, Nazzaro, Park, Runkle, Stutzman, Wilder) – May 27, 2009

2nd Privilege of the Floor

Mr. Jay Warren, I am a resident of Chautauqua County and have been all my life minus a few years out of state for school. I am currently representing Urban Engineers. Urban Engineers is a medium size engineering firm. We have 10 offices in the northeast. Our headquarters are in Philadelphia. We have Buffalo office and an Erie office. The goal of the company is to work everything in between Erie and Buffalo. We feel that we are very well suited to do that and work with municipalities, work with the County, work with private developers, private individuals. I have been to 13 different village or town meetings. I have visited 39 out of 42 highway superintendents to let them know and let you know that we are around. We did send bulletins out to all the municipalities to let them know of our availability. We do feel that we have a wonderfully qualified staff of folks. I think the impedance here is, we have two of us that are members of the company, that live in Chautauqua County and we are here to serve the County and feel we could do a very adequate job of that. We pride ourselves in our depth of resources. We have over 400 people on staff at Urban Engineers. We also are very rich in what we believe is personal services. Having people like myself and my boss, Paul Parker, who is former DOT engineer living here year round and we can service folks here in a more than adequate way. So, that is my pitch. I don't know how fast three minutes goes but again, this is the 14th presentation that I have made and it's simply an opportunity to educate folks that there is an alternative for engineering firm and we would like to serve the people of Chautauqua County. Thank you.

MOVED by Legislator Ahlstrom, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. 8:50 p.m.

Regular Meeting
 Chautauqua County Legislature
 Held in
 Legislative Chambers, Mayville, New York
 Wednesday, June 24, 2009, 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

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

MOVED by Legislator Caffisch, SECONDED by Legislator Lemon and duly carried, the minutes were approved. (05/27/09).

1st Privilege of the Floor

No one chose to speak at this time.

Capital Projects Update
 By Douglas Bowen

COMMUNICATIONS:

1. Letters (4) – Co. Executive – Appts. Ethics Bd., COI, JCC, Traffic Safety
2. Quarterly Report – NYS Small Business Development Center
3. Draft Minutes – Chaut. Co. Soil & Water Conservation District
4. Letter – NYS – Re: Sealed Bid Auction of Surplus Property/T. of Ellicott
5. Letter – NYSAC – Ack. Receipt Motion 5-09
6. NYSDEC – Fish & Wildlife Monthly Highlights (3/16-4/15/09)
7. 2010 Capital Budget & 2011-2015 Capital Plan

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 05/27/09

LAI D ON DESKS FOR ACTION AT THE 7/29/09 MEETING:

LL INTRO. 6-09 – A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTION ON COUNTY ROADS AND OTHER PROPERTY IN THE COUNTY OF CHAUTAUQUA AS A CONDITION PRECEDENT TO THE MAINTENANCE OF A CIVIL ACTION

RES. NO. 115-09
 Confirm Appointment – JCC Board of Trustees

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

WHEREAS, Resolution 129-95 authorized regional sponsorship of JCC; and

Legislator Douglas Richmond
 27 East Main Street
 Westfield, NY 14787
 Term to Expire: 6/30/10

Susan Forrester Mackay
 73 Eagle Street
 Fredonia, NY 14063
 Term Expires: 6/30/10

Benjamin Spitzer
 5841 Snug Harbor Drive
 Mayville, NY 14757
 Term to Expire: 6/30/10

Legislator Victoria James
 809 Lafayette Street
 Jamestown, N.Y. 14701
 Term Expires: 6/30/10

Signed: James

Unanimously Adopted – June 24, 2009

RES. NO. 118-09

Confirm Appointment & Re-Appointments – Chautauqua County Traffic Safety Board

By Legislator Huckno:
 At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments:

Dennis Barmore
 2644 – 38 Mile Creek Rd.
 Gerry, N.Y. 14740
 Term Expires: 5/31/12

John Bremmer
 2012 Winch Road
 Lakewood, N.Y. 14759
 Term Expires: 5/31/12

Peter Samuelson
 4996 Maple Grove Road
 Bemus Point, N.Y. 14712
 Term Expires: 5/31/12

Bradley Van Riper
 2709 – 28 Mile Creek Road
 Gerry, N.Y. 14740
 Term Expires: 5/31/12

Appointment:

Nichole Adams
 1869 Camp St. Ext.
 Jamestown, N.Y. 14701
 Term Expires: 7/31/10

Replacing Terry Daniels

Signed: Huckno

Unanimously Adopted – June 24, 2009

RES. NO. 119-09

Authorizing Public Hearing on Lease Agreement w/ JCC for Classroom Space at the Chautauqua County Jamestown Airport

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

WHEREAS, Jamestown Community College (JCC) is interested in renewing a lease of space in the terminal building at the County Airport for use as a classroom; and

WHEREAS, it is desirable to lease space at the airport when such space is not required for governmental purposes; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such an agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held before the Legislature on the above proposed lease agreement with JCC on July 29, 2009 at 6:35 p.m. at the Clarion Hotel & Conference Center, 30 Lake Shore Drive E., Dunkirk, N.Y. 14048; and it is further

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

Signed: Park, DeJoe, Beightol, Babbage, Nazzaro

Unanimously Adopted – June 24, 2009

RES. NO. 120-09

Amending Resolution 208-07 to Increase Local Share for T-Hangar Project and Amend Resolution 113-09 to Adjust Funding for the Taxilane at Dunkirk Airport

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

WHEREAS, Resolution 208-07 accepted a New York State Air'99 Grant for \$330,000 for the design and construction of T-Hangars at the Dunkirk Airport; and

WHEREAS, the actual bid for the construction of the T-Hangar Building resulted in an increase in the maximum construction award cost from \$277,500 to \$286,000 that will increase the local share by \$8,500 above the amount established in the original resolution due to inflationary building costs since the passage of such resolution; and

WHEREAS, the adjusted funded will establish the local share at \$41,500 instead of \$33,000; and

WHEREAS, Resolution No.113-09 authorized acceptance of an FAA Grant for the Taxilane Project for a total project cost of \$210,500 and such cost has been adjusted to \$215,500 to revise funding as follows:

Federal (95%)	\$204,725	
State (2.5%)	5,388	
Local (2.5%)	5,388	and

WHEREAS, the budgetary amounts should be amended and established to conform to these adjustments for FAA AIP Project No. 3-36-0022-41-09 at the Chautauqua County Airport at Dunkirk; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary and appropriate agreements with the FAA, NYSDOT, engineers and contractors for both projects and be it further

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

ESTABLISH & INCREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:

H.5610.245.4	Contractual – T Hangar Taxilanes	\$215,500
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ESTABLISH & INCREASE CAPITAL PROJECT REVENUE ACCOUNTS:

H.5610.245.R459.7000	Federal Transportation Capital	\$204,725
H.5610.245.R359.7000	State Transportation Capital	5,388
H.5610.245.R503.1000	Interfund Transfer	<u>5,388</u>
		\$215,500

INCREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:

H.5610.237.4	Contractual – 10 Bay T Hangar Construction	\$ 8,500
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INCREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.5610.237.R503.1000	Interfund Revenue	\$ 8,500
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DECREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:

H.5610.233.4	Contractual – Reconstruct Runway 6-24 & Apron	\$ 13,888
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DECREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.5610.233.R503.1000	Interfund Transfer	\$ 13,888
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Signed: Park, DeJoe, Beightol, Babbage, Nazzaro, Gould, Richmond

Unanimously Adopted – June 24, 2009

RES. NO. 121-09

Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid Eligible Costs of a Transportation Federal Aid Project, to Fully Fund the Local Share of Federal Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

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

WHEREAS, a project, to provide Safety Education for Elementary School Children in Chautauqua County, known as the Chautauqua County Safe Routes to School Project, PIN 5759.06, (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of 100% Federal funds and 0% Non-Federal funds; and

WHEREAS, the total project costs is estimated to be \$125,000 of which \$93,000 represents 100% of the Federally funded amount and \$32,000 represents 100% of the Non-Federally funded amount; and

WHEREAS, the County of Chautauqua in conjunction with the Chautauqua Children's Education Safety Village, Inc. (CCESV) desires to advance the Project by making a commitment of 100% of the Non-Federal share of the Educational (Non-Infrastructure) phase of the project, PIN 5759.06.

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

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

RESOLVED, That \$93,000 is hereby appropriated and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, That \$32,000 (100% of the Non-Federal funds) will be the responsibility of CCESV; and it is further

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

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid 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, Is resolution will take effect immediately; and it is further

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

INCREASE APPROPRIATION ACCOUNT:

A.2980.CESV.4	Contractual – Children's Safety Village Program	\$93,000
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INCREASE REVENUE ACCOUNT:

A.2980.CESV.R438.9011	Federal Aid - Children's Safety Village Grant	\$93,000
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Signed: Park, DeJoe, Beightol, Babbage, Nazzaro, Richmond, Gould

Unanimously Adopted – June 24, 2009

RES. NO. 122-09

Authorize Agreement with Property Owner for Lease of Liquid Brine Tank Storage Area

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

WHEREAS, Chautauqua County leases property to store brine tanks for the County's snow and ice control program; and

WHEREAS, the County wishes to lease an existing site identified on Tax Maps as Village of Sinclairville, 251.01-1-34, from Kenneth Morley, dba MRC Farms for the term of July 1, 2009 to June 30, 2014 at an annual amount of \$300.00 for a total contract amount of \$1,500.00; therefore be it

RESOLVED, That the County Executive is authorized to enter into the aforementioned lease agreement and to authorize the Director of Finance to process lease payments to the property owner.

Signed: Park, DeJoe, Beightol, Babbage, Nazzaro, Richmond, Gould

Unanimously Adopted – June 24, 2009

RES. NO. 123-09
 Adopting the 2010 Program Outcome Statements

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Section 2.05(c) of the Chautauqua County Charter provides that the County Legislature shall annually adopt by resolution programs, goals, and objectives which shall be utilized in the formulation of the budget and measuring the success of its implementation; and

WHEREAS, additions and amendments to the 2009 Program Outcome Statements have been prepared by various County departments for 2010; now therefore be it

RESOLVED, That the County Legislature hereby adopts the 2010 Program Outcome Statements, which shall consist of the 2009 Program Outcome Statements with amendments to Program Outcome Statements 131-Board of Elections; 251-Human Resources; 321-Public Health (Environmental Division), and 322 – Public Health Department.

Signed: Ahlstrom

Unanimously Adopted – June 24, 2009

RES. NO. 124-09
 Chautauqua County Purchasing Policy

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

WHEREAS the County Legislature adopted a Purchasing Policy by Resolution 182-92, as amended by Resolutions 268-93 and 171-94; and

WHEREAS, annual review by the Legislature is necessary to ensure that the Purchasing Policy is accurately stated and meets the requirements of the General Municipal Law; and

WHEREAS, it is necessary to update the County Purchasing Policy to conform to new requirements of Section 104-b of the General Municipal Law; therefore be it

RESOLVED, That the County Purchasing policy established by Resolution 182-92, as amended by Resolutions 268-93 and 171-94 are hereby superseded and the County Legislature establishes the following purchasing policy pursuant to the New York State General Municipal Law:

1. Procedure. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with competitive bidding requirements, under the general supervision of the Department of Finance, Division of Purchasing. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding was not required by law. To the extent practical, the County shall acquire goods and services from Chautauqua County businesses and select goods and services which provide the least possible negative impact on the environment. Priority consideration shall be given to clean, energy-efficient, electric, hybrid or clean renewable fuel vehicles when purchasing new County vehicles.

2. Alternative Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals (RFPs) and written or faxed quotations from at least three vendors for procurements expected to exceed \$5,000 in value; written, faxed, or verbal quotations from at least three vendors shall be secured for procurements expected to be between \$1,000 and \$5,000; and procurements under \$1,000 shall be within the discretion of the Department Head, subject to the advise of the Division of Purchasing. Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or Procurement Card statement submitted to the Division of Purchasing or the contract request form or Agreement of Service submitted to the Law Department.

In the event that the procurement is from a State contract bid; involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; involves professional services; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from an agency for the blind or severely handicapped or involves goods made in a correctional institution; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why a solicitation of alternative quotes would not be in the best interest of the County shall accompany the purchase order, contract request form, Agreement of Service or Procurement Card statement and shall be subject to review by the Division of Purchasing and/or the Law Department.

3. Credit Card Usage. Procurement Credit Cards, hereinafter referred to as credit cards, obtained through the Finance Department, can be used to make payments for purchases of goods not exceeding \$1,000 in value when prior approved by the Department Head and consistent with the direction provided by the Deputy Director of Purchasing. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholder, and are not re-assignable for use by other employees. The Cardholder to whom the credit card is assigned is responsible for the reimbursement to the County for cost incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card to the extent such cost was within the Cardholder's control. The credit card is expressly not authorized to pay for the procurement of services unless specifically authorized by the Deputy Director of Purchasing. Procurements paid for with a credit card shall be subject to all applicable State and Local procurement laws. The credit cards will have a monthly limitation of \$5,000, unless requested by the Department Head that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements, and a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder make authorization, without the direct supervision of the Deputy Director of Purchasing, to exceed this \$1,000 limit on a per transaction basis. Cardholders are responsible to obtain a packing slip for all purchases paid for by credit card, reconcile with the cardholders monthly credit statement and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. The Department Head responsible for the approval of all procurements paid for by their respective Cardholders will sign the monthly credit statements as an indication that all purchases

were authorized by the Department Head. Any unauthorized purchases or billing errors should be noted immediately by the Cardholder and a request be made to the vendor for a credit. In the event the vendor does not cooperate in issuing a credit when one is due, the Cardholder should contact the Deputy Director of Purchasing and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases nor purchases made for personal use. The Cardholders are responsible to perform an initial audit and reconciliation of their monthly statements and to submit their statements along with the appropriate G/L Account number to be charged in a timely manner such that the bill can be paid to the financing agency prior to the time of any late fees or penalties and the monthly closing of the County's financial statements. The Deputy Director of Purchasing will review the periodic audit reports submitted by the auditors and take the appropriate action necessary to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form.

4. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offerer, the purchase order, contract request form, or Agreement of Service shall be accompanied by written documentation and justification specifying why such award furthers the purposes of this resolution.

5. Individuals with Purchasing Authority. Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the following individuals are identified as having purchasing authority:

PURCHASING CARDS

Department	Account Name	Title
Airport	STEVEN HAZEN	Airport Crash/Fire/Rescue Worker
Airport	TODD LIDDELL	Airport Crash/Fire/Rescue Worker
B&G	JOHN BOHALL	General Maintenance Mechanic
B&G	RICHARD MARSH	Building Maintenance Mechanic II
B&G	RICHARD STASZAK	Electrician
B&G	ROBERT BLANCHARD	Carpenter
B&G	ROBERT TRACY	Custodian
B&G	STEVEN JOHNSON	Head Custodian
B&G	THOMAS SWANSON	General Maintenance Mechanic
B&G	WAYNE LENDER	General Maintenance Mechanic
B&G	WILLIAM HILLIARD	Building Maintenance Mechanic II
BOE	BRIAN ABRAM	Commissioner of Elections
BOE	DORIS PARMENT	Elections Researcher
BOE	NORMAN P GREEN	Commissioner of Elections
CARTS	DONALD COLF	Administrative Aide (19-A Program)
CARTS	GLEN HUTCHINSON	Mechanic II
CARTS	HOLLY JOHNSON	Resource Assistant (CARTS)
CARTS	JAMES MONACO	Mechanic III
CARTS	NANCY LEBARON	Senior Account Clerk
CARTS	RICHARD STOUT	Resource Assistant (CARTS)

CE	CARMELLA CATANESE	Secretary to County Executive
Clerk Legislature	LORI J FOSTER	Secretary to Legislature
County Attorney	NANCE G BRANT	Secretary to County Attorney
County Attorney	STEPHEN ABDELLA	County Attorney
County Clerk	KATHLEEN SWEENEY	Deputy County Clerk - Sub
County Clerk	KATHRYN HEINTZMAN	Deputy County Clerk
County Clerk	SANDRA SOPAK	County Clerk
County Home	JOHN MT PLEASANT	Commissary Steward
County Home	JUDY FABRITUS	Account Clerk-Typist
County Home	JULIE MROCZKA	Purchasing Clerk
County Home	MARK P ROBBINS	Director of Nursing Services
County Home	RHONDA MOORE	Food Service Director
County Home	TIMOTHY HELLWIG	Administrator Chautauqua Co Home
County Home	WALTER KOESTER	Senior Building Maintenance Mechanic
DA	BARBARA TRIMMER	Senior Caseworker (Public Def)
DA	DAVID FOLEY	District Attorney
DPF	DAN DANKERT	Storekeeper III
DPF	DONALD DAWLEY	Storekeeper II
DPF	IRENE BERG	Storekeeper II
DPF	JAMES HIGGINBOTHAM	Storekeeper II
DPF	REBECCA ANDERSON	Purchasing Clerk
DPF	TRACY FRANCE	Purchasing Agent
DPF	WILLIAM HARRIS	Parks Supervisor
DSS	BONNIE PETERS	Account Clerk-Typist
DSS	GAYLE SCADDEN	Senior Audit Clerk
EMS	DANIEL T IMFELD	Deputy County Fire Coordinator
EMS	DENNIS BARMORE	Deputy County Fire Coordinator
EMS	JULIUS J LEONE JR	Director of Emergency Services
EMS	NORMA CUMMINGS	Project Coordinator (Emergency Services)
EMS	ROBERT FRANK	Deputy County Fire Coordinator
FIN	BONNIE SUNDLOV	Senior Account Clerk-Typist
Finance	CHAUTAUQUA CNTY FINANCE	Deputy Director Central Services (Purchasing)
Finance	GEORGE CARLSON	Audit Specialist
Finance	MARCIA TRAVIS	Public Health Director
Health	CHRISTINE SCHUYLER	Clerk II
Health	DONNA TRACY	Administrative Aide-Typist
Health	ELIZABETH PHELPS	Resource Assistant (Human Resources)
HR	CHRISTINE KROLL	

		Senior Personnel Technician/Deputy Director of Human Resources
HR	JOHN SCHWANEKAMP	
HR	JOSEPH PORPIGLIA	Director Human Resources
ITS	JONATHAN DEANGELO	Chief Information Officer
ITS	PEGGY KUWIK	Client/Server Project Manager
Landfill	JOHN POTTER	Transfer Station Supervisor
Landfill	MICHAEL FELSMAN	Accounting Supervisor
MH	BONNIE MILKS	Senior Caseworker (Mental Hygiene)
MH	CAROL LOOMIS	Senior Caseworker (Mental Hygiene)
MH	CAROL WRIGHT	Clinic Director
MH	CINDY JOHNSON	Account Clerk-Typist
MH	JENNIFER SANDERS	Senior Caseworker (Mental Hygiene)
MH	KATHLEEN SWANSON	Senior Account Clerk-Typist
MH	MELODY DE JOHN	Psychiatric Social Worker
MH	NICHOLE SMITH	Senior Caseworker (MH-Child)
MH	NIKKI CARLBERG	Senior Caseworker (Mental Hygiene)
MH	PATRICIA BRINKMAN	Director Community MH Services
MH	RACHEL LUDWIG	MH Program Coordinator (SPOA-Child)
MH	SHERRY SLAVEY	Senior Caseworker (Mental Hygiene)
MH	STACEY MOREY	Senior Caseworker (Mental Hygiene)
MH	STACEY RIVERA	Senior Caseworker (MH-Child)
NCLSD	RYAN HARDENBERG	Wastewater Maintenance Mechanic
NCLSD	SCOTT CUMMINGS	Wastewater Maintenance Mechanic II
NCLSD	THOMAS CARLSON	Director North Chautauqua Lake Sewer
NCLSD	WILLIAM BURNETT	Sewage Treat Plant Operator
OFA	ANNE FRANKSON	Account Clerk-Typist
OFA	JANE MORRIS	Caseworker
OFA	REBECCA J BLUM	Coordinator of Aging Services
PD	BRIAN TAYLOR	Senior Investigator (PD)
PD	KIM TAYLOR	Secretary to Public Defender
PED	CYNTHIA MILLER	Secretary to the Director of Planning and Development
PED	DEBORAH LILIESTEDT	Typist II
PED	THOMAS MOORE	Resource Assistant
PED	WILLIAM DALY	Director Economic Development
Print Shop	DAVID WATSON	Graphics Technician
Probation	LINDA L SHIELDS	Probation Director II
SCCLSD	BRYAN WILSON	Wastewater Treatment Plant Attendant
SCCLSD	CHRISTINE HUMPHREY	Laboratory Tech-Admin (Wastewater)

SCCLSD	CHRISTOPHER REESE	Wastewater Maintenance Mechanic
SCCLSD	GEORGE GLOSS	Wastewater Maintenance Mechanic II
SCCLSD	JOHN PAVLOCK	Engineer II
SCCLSD	LOU ANN PETERSON	Senior Account Clerk-Typist
SCCLSD	MARK FRELIGH	General Maintenance Mechanic
SCCLSD	MARK KENT	Mechanic III
SCCLSD	MISTY BABCOCK	Account Clerk-Typist
SCCLSD	ROBERT BECKER	Utility Worker
SCCLSD	ROBERT WILLIAMS	Sewage Treat Plant Operator
SCCLSD	THOMAS WALSH	Mechanic III
Sheriff	CHARLES J HOLDER	Undersheriff
Sheriff	GAIL THORNTON LOCKE	Accounting Supervisor
Sheriff	HEATHER DELONG	Account Clerk
Sheriff	JOSEPH GERACE	Sheriff
Sheriff	PAMELA FARDINK	Account Clerk-Typist
Sheriff	SUE PRICE	Account Clerk-Typist

TRAVEL CARDHOLDERS

Department	Name ▲	Title
Airport	DAVID SANCTUARY	Manager of Airports
BOE	BRIAN ABRAM	Commissioner of Elections
BOE	NORMAN P GREEN	Commissioner of Elections
CARTS	HOLLY JOHNSON	Resource Assistant (CARTS)
CARTS	RICHARD STOUT	Resource Assistant (CARTS)
CE	GREGORY EDWARDS	County Executive
Clerk Legislature	LORI J FOSTER	Secretary to Legislature
County Attorney	STEPHEN ABDELLA	County Attorney
County Clerk	KATHRYN HEINTZMAN	Deputy County Clerk
County Clerk	MICHELLE HENRY	County Historian (Part-time)
County Clerk	SANDRA SOPAK	County Clerk
County Home	MARK P ROBBINS	Director of Nursing Services
County Home	SUSAN SCHOBBER	Secretary to Admin Chautauqua Co Home
County Home	TIMOTHY HELLWIG	Administrator Chautauqua Co Home
DA	DAVID FOLEY	District Attorney
DA	JOHN ZUROSKI	First Assistant District Attorney
DPF	GEORGE SPANOS	Director Public Facilities
DPF	REBECCA ANDERSON	Purchasing Clerk
DSS	CARMEN HLOSTA	Director of Certification
DSS	GAYLE SCADDEN	Senior Audit Clerk

DSS	JO ANN BARRON	Director of Admin Services
DSS	JON ANDERSON	Director of Social Services
DSS	SANDY WAID	Director of Certification
DSS	STEVEN WICKMARK	Commissioner Social Services
EMS	DANIEL IMFELD	Deputy County Fire Coordinator
EMS	JULIUS J LEONE JR	Director of Emergency Services
EMS	NORMA CUMMINGS	Project Coordinator (Emergency Mgt
Finance	ALICE GROWLEY	Director Real Property Tax Services 3
Finance	DARIN SCHULZ	Director of Finance
Finance	GEORGE CARLSON	Deputy Director Central Services (Purchasing)
Health	CHRISTINE SCHUYLER	Public Health Director
Health	JANIE RAYNOR	Secretary to Commissioner Public Health
HR	DANIEL VENDEL	Personnel Technician
HR	JOSEPH PORPIGLIA	Director Human Resources
HR	KENNETH WESTPHAL	Personnel Technician
ITS	JONATHAN DEANGELO	Chief Information Officer
ITS	PEGGY KUWIK	Client/Server Project Manager
MH	CAROL WRIGHT	Clinic Director
MH	JILL KUEHN	Typist II
MH	PATRICIA BRINKMAN	Director Community MH Services
MH	RACHEL LUDWIG	MH Program Coordinator (SPOA-Child)
NCLSD	SCOTT CUMMINGS	Wastewater Maintenance Mechanic II
NCLSD	THOMAS CARLSON	Director North Chautauqua Lake Sewer
OFA	D MARK SMITH	Senior Project Coordinator (Fiscal
OFA	JANE MORRIS	Caseworker
OFA	JENNIFER ELLMAN	Aging Services Aide
OFA	LINDA SPAULDING	Aging Services Aide
OFA	MARY ANN SPANOS	Director Office for the Aging
OFA	REBECCA J BLUM	Coordinator of Aging Services
OFA	RON VEKLOTZ	Coordinator of Aging Services
PD	WILLIAM COUGHLIN	Public Defender
PED	THOMAS MOORE	Resource Assistant
PED	WILLIAM DALY	Director Economic Development
Probation	LINDA L SHIELDS	Probation Director II
SCCLSD	BRYON WILSON	Wastewater Treatment Plant Attendant
SCCLSD	CHRISTINE HUMPHREY	Laboratory Tech-Admin (Wastewater)
SCCLSD	CHRISTOPHER REESE	Wastewater Maintenance Mechanic
SCCLSD	JAMES MURPHY	Director South/Center Lake Sew

SCCLSD	JOHN PAVLOCK	Engineer II
SCCLSD	MARK KENT	Mechanic III
SCCLSD	THOMAS WALSH	Mechanic III
Sheriff	CHARLES J HOLDER	Undersheriff
Sheriff	DARRYL BRALEY	Undersheriff
Sheriff	JOSEPH GERACE	Sheriff

LOGOS.NET

Department	Name	Title
Airport	KATHY LEVANDOWSKI	Airport Crash/Fire/Rescue Worker
B&G	NANCY BURT	Resource Assistant-Typist Senior Project Coordinator (Transportation)
CARTS	CHERYL GUSTAFSON	Project Coordinator (CARTS)
CARTS	PAUL ABRAM	Senior Stenographer
CLERK LEGIS	BECKY GRAHAM	Clerk of Legislature
CLERK LEGIS	JANET GEORGE JANKOWSKI	First Assistant County Attorney
CO ATTORNEY	DAN POLOWY	First Assistant County Attorney
CO ATTORNEY	KURT GUSTAFSON	Assistant County Attorney
CO ATTORNEY	SCOTT HARLEY	Assistant County Attorney
CO ATTORNEY	SHAWN COREY	Assistant County Attorney
DA	BEV LEBARON	Secretary to Co Officer (DA)
DPF	MAUREEN LANGEBARTEL	Accounting Supervisor
DPF	NANCY HONEY-PETRUCELLO	Account Clerk-Typist
DSS	SUE BARMORE	Accounting Supervisor
FINANCE	BONNIE SUNDLOV	Senior Account Clerk-Typist
FINANCE	CHRISTINE KERN	Assist Director Real Property Tax 3
FINANCE	KITTY CROW	Budget Director
HEALTH	LINDA PROBST	Accounting Supervisor Senior Personnel Technician/Deputy Director
HR	JOHN SCHWANERKAMP	of Human Resources Deputy Director Public Facilities (Engineer)
LANDFILL	PANTELIS PANTELI	Senior Account Clerk-Typist
LANDFILL	SUSAN RAINES	Senior Project Coordinator (Fiscal)
MH	SANDY NOBLE	Senior Account Clerk
OFA	DOLORES FAIRBANKS	Senior Project Coordinator (Fiscal)
OFA	MARK SMITH	Principal Account Clerk
PROBATION	CARRIE REXFORD	Account Clerk-Typist
SHERIFF	AMANDA MANCUSO	Account Clerk-Typist
VETERANS	NANCY YOCHUM	Account Clerk-Typist
VETERANS	TROY SMITH	Director of Veterans Services

YOUTH

STEVE PUROL

Director Youth Bureau

and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Wilder, Keefe, Huckno, Cafilisch

Unanimously Adopted – June 24, 2009

RES. NO. 125-09

Authorize Increase in Funding for Health Department Laboratory Renovation

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the 2007 Capital Budget appropriated \$70,000 for Health Department Laboratory Renovations; and

WHEREAS, project bids came in higher than original cost estimates and additional funding is needed in order to proceed with the project; and

WHEREAS, interest earnings are exceeding expectations and the additional funds are available from the Capital Project Reserve account; therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A. 9950.----.9000.0000 Interfund Transfer – Transfer to Capital	\$22,000
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INCREASE REVENUE ACCOUNT:

A.9950.9999.R240.1RSV Interest & Earnings – Capital Reserve	\$22,000
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Signed: DeJoe, Nazzaro, Richmond, Gould

Adopted w/ Hallquist voting "no" – June 24, 2009

RES. NO. 126-09

Setting Salary for Director of Aviation Operations and Director of Aviation Maintenance

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Sheriff has made plans to adopt a medi-vac helicopter rescue program which will be compliant with FAA Part 135 commercial standards; and

WHEREAS, such a Part 135 program requires as staff a Director of Aviation Operations; and a Director of Aviation Maintenance; and

WHEREAS, the Sheriff has submitted the necessary civil service forms to classify these positions; and

WHEREAS, The Director of Human Resources has reviewed and concurs with the Sheriff's proposed classifications and pay grades for the anticipated positions; therefore be it

RESOLVED, That the following titles be added to the Chautauqua County Salary Plan:

Director of Aviation Operations, Grade 28

Director of Aviation Maintenance, Grade 28

Grade 28 \$ 28.75 - \$ 37.39 /hr. (CSEA 2009)
\$ 59, 800 - \$ 77,771 (CSEA 2009 – 40 hours per week)

Signed: Keefe, Wilder, Huckno, DeJoe, Nazzaro, Gould (A.S.- No; Cafilisch) (A&C – No: Richmond)

Adopted w/ Legislators Cafilisch and Richmond voting "no" – June 24, 2009

RES. NO. 127-09
Additional 2009 Occupancy Tax Allocation

By Audit & Control Committees:
At the Request of Legislator Shaun Heenan:

WHEREAS, the Scandinavian Festival will be held July 17-19, 2009 in Jamestown, titled this year as "Behold Scandinavia", attracting an estimated 4,000 people from outside as well as inside Chautauqua County; and

WHEREAS, the many people attending from outside Chautauqua County also spend money for lodging, food and entertainment locally; and

WHEREAS, this is the only Scandinavian Festival in the Cleveland/Toronto/Pittsburgh/ Buffalo/Rochester catchment area, which attracted 2,500 people in 2008 and will attract an estimated 3,500 in 2009 and 4,000 in 2010; and

WHEREAS, the funds requested from the occupancy tax reserve will be used for a special event at the 2009 Scandinavian Folk Festival, an exhibit of photography by Arno Rafael Minkinen, originally from Finland, whose work has been displayed in more than 60 museums in the United States and abroad; and

WHEREAS, the County's occupancy tax revenues are to be utilized for tourism and convention development including the promotion of special events such as the Scandinavian Folk Festival, that will bring numerous visitors and beneficial economic impact to Chautauqua County; and

WHEREAS, due to the recent unanticipated addition of the photography exhibit, well after the 2009 occupancy tax funding review was completed, it is appropriate that the County provide financial support to the Scandinavian Folk Festival utilizing the occupancy tax reserve; therefore be it

RESOLVED, That the Weeks Gallery of the FSA shall be allocated the sum of \$10,000 from the County's occupancy tax reserve to assist the 2009 Scandinavian Folk Festival in securing the special photography exhibit by Arno Rafael Minkinen.

Signed: Heenan (A&C – Tabled)

Adopted – R/C Vote: 15 Yes; 10 No - No's: Barmore, Beightol, Caflich, Croscut, Gould, Hallquist, Kleparek, Richmond, Runkle, Stutzman – June 24, 2009

EMERG. RES. NO. 128-09

Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2009 Byrne JAG Grant

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the City of Jamestown and County of Chautauqua are eligible to receive Funding under the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program through a local solicitation process including the County of Chautauqua; and

WHEREAS, the City of Jamestown has offered to provide 50% of the grant funding to Chautauqua County to consist of \$12,330.50 to be used for equipment upgrade and replacement of tasers for the Office of the Sheriff; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with the City of Jamestown to obtain such funds through its application for the Byrne JAG grant for Fiscal Year 2009.

Unanimously Adopted – June 24, 2009

2nd Privilege of the Floor

No one to speak at this time.

MOVED by Legislator DeJoe, SECONDED by Legislator Gould and duly carried the meeting was adjourned. 7:38 p.m.

Regular Legislative Meeting
 Wednesday, July 29, 2009, 6:30 pm
 Clarion Hotel, Dunkirk, N.Y.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: Mueller, Hallquist)

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

Moved by Legislator Gould, Seconded by Legislator Caffisch and duly carried the minutes were approved. (6/24/09)

1st Privilege of the Floor

Dan Dalpra, Bemus Point, N.Y., spoke in support of Res. No. 141-09, Light the Lakes.

Pene Hutton spoke in support of Res. No. 142-09 – Airshow/Jamestown.

Paul Stage spoke in support of Res. No. 141-09, Light the Lakes.

Chris Yates spoke in support of Res. No. 142-09 – Airshow/Jamestown

Michael Ferguson spoke in support of Res. No. 141-09 – Light the Lakes.

6:35 P.M.

PUBLIC HEARING:

Lease Agreement w/ JCC for Classroom Space
 at the Chautauqua County Airport/Jamestown

Chairman Ahlstrom opened the public hearing at 6:56 pm for comments. No one was present to comment. Chairman Ahlstrom closed the public hearing.

**COUNTY HOME SUB-COMMITTEE REPORT
 LEGISLATOR CHUCK NAZZARO**

COMMUNICATIONS:

1. Report – Fn. Director Schulz – June 2009 Investment Results
2. Minutes – NYS Fish & Wildlife Management Board – June/2009
3. Highlights – Fish & Wildlife Monthly – 1/15/09 – 3/15/09
4. Letter – NYSDOT – Re: Sealed Bids- Surplus Property/Town of Ellicott
5. Annual Report – 2008 – Community Foundation
6. Proof of Publication – Public Hearing –JCC Lse. –Jmst. Airport
7. Director's Report – Youth Bureau
8. Chaut. County Home Leg. Review Sub-Comm. Report
9. NYSDEC – Public Notice – Inactive Hazardous Waste Disposal Site Delist Notice n- Falconer, N.Y.
10. Town of Chaut. – Re: Establishment of Water District #3
11. Chaut. Co. Soil & Water Conservation District Minutes – June/2009
12. Letter – Schoharie County – Re: Resolution Requesting NYS to Take Back Local Share of Medicaid as a Component of True Medicaid Reform
13. NYSRPS – Re: Certified 2009 State Equalization Rates
14. Report – Fn. Director Schulz – May 2009 Investment Results
15. Res. Fulton County – Re: Opposing Various Proposed Anti-Gun Owner Legislation in NYS
16. Letter – Water Quality Task Force – Re: Continued Cooperation w/ DPF on Erosion and Stormwater Management for Road Construction for 2010

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
FROM 06/24/09

Veto# 1 RES. NO. 127-09 - Resolution of the County of Chautauqua for the Additional
2009 Occupancy Tax Allocation

Veto Message
Dated July 6, 2009

On June 24, 2009 the Chautauqua County Legislature voted to authorize the use of \$10,000.00 of Occupancy Tax Reserve monies for "...a special event at the 2009 Scandinavian Folk Festival, an exhibit of photography by Arno Rafael Minkkinen, originally from Finland...".

The Resolution was sponsored by Legislator Shawn Heenan and shown as an item from the Planning and Economic Development and Audit & Control Committees. However, the regular Planning Committee meeting was cancelled in May and June, and as a result the Resolution was first presented at the Audit and Control Committee on June 18, 2009 where it was tabled because of the lack of information on this matter. The issue was not addressed again until June 24, 2009, 30 minutes before the full Legislature meeting during a special meeting of the Planning Committee where the Resolution was amended to show that the money would be allocated to the Weeks Gallery FSA and the Resolution passed out of committee 3 to 1.

The debate that occurred on the Legislative floor immediately following that vote clearly demonstrated that the majority of the Legislators had little, if any, information about the specifics of the Resolution. I believe that many had never seen the application, had no idea of the reason for the funding, the nature of event, the artist, the budget, the impact that it may or may not have on tourism, or any other details, yet the Legislation passed by a vote of 15 to 10.

Immediately following the vote, I began receiving communications from Legislators, operators of businesses who are required to collect Occupancy Tax dollars, as well as a variety of tax payers, all whom opposed the Legislation and asked for my veto of the Resolution. Most disturbing was that the Legislature adjourned at 7:38 pm and my first communication from a Legislator occurred less than 3 hours later at 10:19 pm, followed by a number of other Legislators who stated that they were misled by the presentation, were not given essential facts or information and that they would not have voted in favor of the Legislation if they had been given the facts. Having been petitioned to veto the Resolution I began to review this matter conducting some basic research to determine the facts. The research was not difficult nor did it require significant investigation or special credentials.

From the application itself available at the Legislature Clerk's office:

1. The Occupancy Tax application was submitted and time stamped as received by the Legislature Clerk's office on May 4, 2009 at 11:47 am. (51 days before the vote).
2. Organization/agency applying for the funds: Faculty Student Association (FSA), Scandinavian Folk Festival (SFF), and JCC's Weeks Gallery.
3. The application was submitted by project director James D. Colby Weeks Gallery/JCC.
4. The project name was Global Collection of Photography: Tourism Exhibition/Event.
5. Project timeline: Weeks Gallery June 8- July 30, 2009
6. Total project budget \$30,100 as follows:

occupancy tax	\$10,000
funds from applicant	\$ 4,100
National Endowment for the Arts	\$10,000

Chaut. Region Community Foundation \$ 6,000

From telephone calls to JCC:

1. The money was to be used to purchase photographs for the Weeks Gallery.
2. The exhibit had been on display since approximately June 8, 2009.
3. A promotional brochure had been available for some time (with the same photo on the cover that has been on billboards around the County).

From a simple Google search using the artist's name:

1. The background of the artist in detail.
2. The nature of the work of the artist.
3. Photos were easily attained and viewed on line.

From telephone calls with the Director of the Scandinavian Folk Festival:

1. The Scandinavian Festival had given the Weeks Gallery \$1,000 themselves, along with another \$1,000 from the Scandinavian Studies Program toward the purchase of the photos.
2. The SFF had already received a separate \$3,000 allocation from the County Occupancy Tax as part of the regular cycle of applications, independent from this photo exhibit application.

All of these facts were available prior to the full Legislature meeting on June 24, 2009; however I could not determine why this information was not known by Legislators and not part of the debate that evening.

The Occupancy Tax is a County Legislature initiated and dispersed tax that now collects in excess of 1.3 Million Dollars per year. After some controversy had previously developed about how the funds were dispersed, the Legislature instituted a process to have applications for funding by occupancy tax dollars presented and reviewed by an independent panel. This panel follows prescribed measurements to rank the applications by merit, then recommends funding only those who meet the criteria. In 2009 approximately 30 applications were filed and reviewed by the panel and only 11 were recommended and subsequently funded by the Legislature. However, after this process was completed a Legislator filed a Resolution to fund a project that was not recommended for funding by the panel, located well down the list below other projects that were also not funded. After substantial debate on the floor the Resolution passed by a majority of the Legislators and this project was funded despite not meeting the expectations of the panel.

Since that action was taken by the Legislature, a number of other projects have been presented directly by individual Legislators by Resolution seeking funding for projects outside the established process, without review by the panel, without analysis of the other projects on the

list, and without any prescribed process for analysis by the Legislature. Certainly some of these may have met with success if filed within the bounds of the established review process, but certainly some would have had difficulty successfully receiving funding over projects that were rightfully passed over by the panel. However all of these Legislator sponsored projects have received funding from Occupancy Tax dollars.

It is my opinion that the funding of these Legislator sponsored projects, without a mandatory procedure for review, has opened the door for a rush to acquire public money for constituent events. Any way you analyze these funds they are tax dollars that require careful application particularly when the fund from which they are pulled is a "reserve fund". Two years ago

the County had to spend approximately \$60,000 for the emergency removal of dead carp from Chautauqua Lake the week prior to July 4th. This emergency gave rise to the need for a reserve fund of occupancy tax revenue to deal with such an event. Comments on the floor of the Legislature in support of the most recent request for funding included a statement similar to the fact that the money is not doing us any good sitting in an account, causing me concern that there may be a lack of understanding of the reason for a reserve account, such as true emergencies or a situation when occupancy tax revenue drops precipitously.

There can be no confusion about my continuing support for the Scandinavian Festival, JCC, and the Weeks Gallery. Both my family and my wife's family have Scandinavian heritage, and we look forward to the upcoming festival. I have promoted and successfully budgeted for an investment of over 3 Million Dollars by the County in JCC for the building of the new Science Center in addition to my support for the construction of the new dorm facilities on the Jamestown campus. I also recently appeared at JCC to support the presentation made by the college to local high school juniors encouraging them to consider JCC as the next step in their educational career. As part of JCC the Weeks Gallery has received my support and is regularly cited by myself and others in my administration as an excellent gallery that adds to the quality of life that we have in Chautauqua County. More importantly the Chaut. Co. IDA has already given the Gallery \$1,500.00 toward the purchase of these same photos.

Because of the undeniable evidence of my support for these institutions I am confident that concerns about the process used to promote the funding for the Weeks Gallery purchase of photos by Arno Rafael Minkinen will not negatively affect either the Festival or JCC.

I am submitting my Veto of the Resolution providing \$10,000.00 of Occupancy Tax revenue for the purchase of photographs for the Weeks Gallery. My reasons are varied and significant but in no way signify a lack of support or appreciation of the work of these organizations. The reasons for my veto are:

1. The distribution of tax dollars must be done in a manner which instills confidence and trust by those who have to pay and/or collect the tax.
2. As County Executive I am entrusted with the authority and ultimate responsibility to assure that our Government is accountable to the tax payers and works as efficiently and effectively as possible.
3. Legislators have told me that they do not support the expenditure after discovering the facts of the application.
4. My veto sends this Resolution back to the Legislature who can reconsider the basis for the request and override my veto with just two more votes than it passed originally, or modify the Resolution which then could be passed with just 13 votes of the 25 members.

To avoid the continuation of these types of issues with the distribution of the taxes collected through the Occupancy Tax I call upon the Chautauqua County Legislature to set procedures for the consistent analysis of all applications for funding from the Occupancy Tax, including mid-year, or 'emergency' applications. The procedures must provide for an analysis of the amounts available in the fund, protection of a true reserve account, and respect for those applications that followed the process within the formal annual review but were not funded. I ask that the Legislature require that all applications be reviewed by the already established panel and that this panel be empowered to apply the standards that must be met before it can be introduced to the Legislature. The procedures should also assure that any project that was not funded in the annual review process would not be prejudiced by the depletion of funds by mid-year applications that could reduce the funds for the upcoming year. Another essential component must be that the panel and the Legislature each review the status of the current revenues being deposited into the Occupancy tax account before allocating funds outside the annual review process. This has not occurred and as a result the Legislature may

be obligating funds that will not materialize, resulting in the General Fund of the County being required to stand behind the allocation.

I am confident that if the Legislature will apply a bi-partisan analysis of this matter, procedures can be established to improve the process of dispersing Occupancy Tax funds. Successfully addressing these valid concerns is essential to restore the confidence of the people of our County in the manner in which these tax dollars are being appropriated to increase tourism, overnight visitation, and the long term sustainability of a valuable resource, our tourism revenues.

Gregory J. Edwards, County Executive, Chautauqua County

RES. NO. 129-09

Confirming Application and Acceptance of Grant from Division of Probation and Correctional Alternatives for the Alternatives to Incarceration (ATI) Program for the Calendar Year 2009

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

WHEREAS, the New York State Division of Probation and Correctional Alternatives has approved and offered a funding level of \$19,600.00 for the operational period of January 1, 2009 through December 31, 2009 for the Alternatives to Incarceration Program; and

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

WHEREAS, such project funds will assist the County in providing criminal courts with individualized treatment and supervision plans for selected, non-violent defendants, which will reduce crime and promote public safety by providing community based supervision and treatment that will increase offender accountability and lower recidivism; and

WHEREAS, these revenues have been included in the adopted 2009 budget; therefore be it

RESOLVED, The Chautauqua County Legislature hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Alternatives to Incarceration Program for the 2009 calendar year in the amount of \$19,600.00; and be it further

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

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Division of Probation and Correctional Alternatives.

Signed: Runkle, Huckno, Richmond, Cornell, Nazzaro, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 130-09

Authorize Acceptance of 2009-2012 NYS Crime Victims Assistance Grant

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant in the amount of \$346,514 from the New York State Crime Victims Board for the period from October 1, 2009 through September 30, 2012; and

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

WHEREAS, such funds will enable the District Attorney's Office to provide assistance to victims of crime in Chautauqua County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Crime Victim Board to accept a Crime Victim Assistance grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the crime victim coordinator and the victim service provider positions created and funded pursuant to this grant will not be continued should the grant not be refunded.

Signed: Runkle, Huckno, Richmond, Cornell, Nazzaro, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 131-09

Authorize Acceptance of 2009-2012 NYS Crime Victims Assistance Grant for Child Victims of Crime

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

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant of Federal funds in the amount of \$190,794 from the New York State Crime Victims Board for the period from October 1, 2009 through September 30, 2012; and

WHEREAS, the award amount for the period from October 1, 2009 through September 30, 2010 is \$63,598 and 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 counseling to child victims of crime in Chautauqua County and their non offending family members; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Crime Victim Board to accept a Crime Victim Assistance grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the crime victim counselor position 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 authorized and directed to make the following adjustments to the 2009 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services – District Attorney	\$11,129
A.1165.----.8	Fringe Benefits – District Attorney	<u>4,770</u>
		\$15,899

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.1165.----.R4	38.9010 Other Public Safety - ARRA Grant	\$15,899
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Signed: Runkle, Huckno, Richmond, Cornell, Nazzaro, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 132-09

Authorize Agreement with Chautauqua Lake Central School District for Purchase of Fuel for Sheriff's Office

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Sheriff has determined that utilization of the fuel depot of the Chautauqua Lake School District would increase cost efficiency and accountability for the Sheriff's Office; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Chautauqua Lake Central School District for the purchase of fuel for agency vehicles at current New York State bid prices 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 Chautauqua Lake School District for the purpose of purchasing fuel for Sheriff's Office vehicles.

Signed: Runkle, Huckno, Richmond

Unanimously Adopted – July 29, 2009

RES. NO. 133-09

Authorize Agreement with City of Jamestown for the Operation and Administration of the Economic Development Zone

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the City of Jamestown, the Village of Falconer, and the Town of Ellicott have jointly formed an economic development zone known as the Greater Jamestown Economic Development Zone (EDZ); and

WHEREAS, the County of Chautauqua has appropriated necessary funds to provide the local share required for the administration expenses of the EDZ for the current fiscal year; and

WHEREAS, this Legislature has appropriated the sum of Thirty-two Thousand Seven Hundred Twenty-seven and 00/100 dollars (\$32,727.00) for this purpose; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the City of Jamestown, individually and on behalf of the Greater Jamestown Empire Zone for the

administration and operation of the Greater Jamestown Economic Development Zone for the current fiscal year.

Signed: Heenan, James, Croscut, Cornell, Nazzaro, Richmond, Gould, Hallquist

Unanimously Adopted – July 29, 2009

RES. NO. 134-09

Authorize Extension of Lease Agreement with JCC for Classroom Space at the Chautauqua County Jamestown Airport

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

WHEREAS, Jamestown Community College (JCC) is interested in an extension of its lease for classroom space in the terminal building at the County Airport in Jamestown for an aviation program to be conducted at the Airport and JCC desires to exercise an option to do so; and

WHEREAS, it is desirable and appropriate to extend such lease space to JCC upon the same terms and conditions pursuant to the option in the existing lease dated July 17, 2000 which will assist in encouraging educational programs related to aviation and promoting the County Airport; and

WHEREAS, the classroom space (450 sq. ft.) is available and not needed for public purposes; therefore be it

RESOLVED, That the County Executive is hereby empowered and authorized to execute an agreement with JCC to extend its lease on substantially the following terms and conditions:

1. Premises: 450 sq. foot of classroom space in the terminal building.
2. Term: May 1, 2009 – April 30, 2012.
3. Rent: \$300 per month
4. Other: as negotiated by County Executive

Signed: Park, DeJoe, Beightol, Babbage, Nazzaro, Richmond, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 135-09

Accept EDA Funds to Improve Access to the North County Industrial Corridor

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

WHEREAS, pursuant to Resolution 35-07, the County of Chautauqua and the County of Chautauqua Industrial Development Agency (CCIDA) applied for and has now received approval from the United States Department of Commerce's Economic Development Administration (EDA) for financial assistance to improve access to the North County Industrial Corridor; and

WHEREAS, EDA is providing matching funds in the amount of \$1,335,000 for the estimated \$2,670,000 project which will include assistance in the reconstruction of portions of Progress Drive and Middle Road, construction of a new .25 mile access road to service the Chadwick

Bay Industrial Park, installation of stormwater management structures, and acquisition of land to facilitate roadway improvements; and

WHEREAS, Resolution 231-08 appropriated \$400,000 for the County's share and New York State has awarded a grant in the amount of \$600,000 toward this improvement project; therefore be it

RESOLVED, That the County Legislature hereby authorizes acceptance of the EDA financial assistance along with a commitment for the non-federal share of the project, and the County Executive is authorized and empowered to execute all necessary contracts and other documents necessary to obtain and utilize said funds; and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420	.531.4	Contractual – Chadwick Bay Industrial Park Improvements	\$2,270,000
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNTS:

H.6420	.531.R379.7000	State - EAO Capital Grant	\$ 600,000
H.6420	.531.R479.7000	Federal - EAO Capital Grant	1,335,000
H.6420	.531.R503.1000	Interfund Transfer	<u>335,000</u>
			\$2,270,000

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.609.4		Contractual – Rail Spur at Chadwick Bay	\$ 335,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.6420.609.R503.1000		Interfund Transfer	\$ 335,000
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Signed: James, Croscut, Hallquist, Heenan, Cornell, Nazzaro, Richmond, Gould, Park, Beightol, Babbage

Unanimously Adopted – July 29, 2009

RES. NO. 136-09
Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy on an annual basis; therefore be it

RESOLVED, That the County Investment Policy is hereby reconfirmed as follows with no changes:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,
 *to conform with all applicable federal, state and other legal requirements (legal);
 *to adequately safeguard principal (safety);
 *to provide sufficient liquidity to meet all operating requirements (liquidity); and
 *to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$20,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	HSBC America
Evans National Bank	Citizen's Bank N.A.	JP Morgan Chase, N.A.

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the

agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.

3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;

*Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceed: of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer’s & Traders Trust Co.
Morgan Stanley Dean Witter	Finacorp Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	RBS Greenwich Capital
Edward Jones	

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RBS Greenwich Capital
Federal Reserve Bank	Manufacturer’s & Traders Trust Co.
Wachovia Securities	JP Morgan Chase, N.A.
Edward Jones	

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the

custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

* All repurchase agreement must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.

* No substitution of securities will be allowed.

* The custodian shall be a part other than the trading partner.

Signed: Wilder, Huckno, Keefe, Cafilisch, Barmore

Unanimously Adopted – July 29, 2009

RES. NO. 137-09

Amending Resolution 171-08 Regarding RPTL Article 11 Tax Foreclosure

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 171-08, 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 regarding the transfer of tax foreclosure properties to municipal entities, CCIDA, local development organizations, foreclosed owners, and mortgagees; therefore be it

RESOLVED, That the County Legislature hereby reconfirms a policy regarding tax foreclosure properties with the following amendments shown in Paragraphs 2, 3, and 4:

1. 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.

2. 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 ~~first publication in the newspaper of the list of properties to be foreclosed upon~~ *the filing of a petition of foreclosure in the office of the*

Deletion indicated by strikethrough – New Language in Italics

County Clerk. Any other governmental entities and local development organizations will also upon request be provided with this list.

B. Transfers to Towns, Villages, Cities, School Districts, and Municipal Corporations.

Upon receipt of a written request from any entity described in paragraph 2A above received by the County after circulation of the list and *on or before issuance of the court-ordered default judgment the last day for redemption pursuant to RPTL*, subject to approval by the County Legislature, the County shall:

(1) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of municipal use, provided that such a transfer is in the best interest of the County, upon payment by the municipal entity of *applicable recording charges and* all delinquent taxes and current year taxes levied on such parcels but not yet returned to the County for enforcement; and

(2) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of improvement or remediation for an amount based on the taxes the County previously paid to such entity when it guaranteed such taxes, provided that such a transfer is in the best interest of the County. In the event the municipal entity should resell such property, then the proceeds of such sale shall be applied first to reimburse the municipal entity for the reasonable costs of improvements or reasonable demolition costs. The remaining proceeds shall be split between the County and the municipality based on the proportionate share of outstanding delinquent taxes existing at the time of the County's transfer to the municipal entity.

C. Transfers to CCIDA and Local Development Organizations..

Upon receipt of a request from the CCIDA or a Local Development Organization received by the County ~~within forty-five (45) days of circulation of the list of foreclosed properties~~ *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.

3. Transfers of Tax Foreclosure Properties to Foreclosed Owners and Mortgagees.

If no timely request is received from an entity described in paragraph 2A above, the Division of Taxation shall notify the foreclosed owner and mortgagees of record by first class mail at their last known address that the County would consider their offer to reacquire the property for the amount of all delinquent taxes, interest, penalties and associated charges outstanding on the property. Any such offers with the full amount owing must be received by the County ~~within thirty (30) days after mailing of the notice~~ *on or before the day before the County's auction of foreclosed properties*, and the foreclosed owner shall have priority over mortgagees. Where more than one mortgagee makes an offer, priority shall be given on a first-come, first-serve basis as between competing mortgagees. ~~Offers from foreclosed owners and mortgagees of residential properties 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.~~

4. Transfers of Tax Foreclosure Properties by Tax Payment Agreements with Foreclosed Owners.

Notwithstanding the requirement set forth in Paragraph 3 above that the full amount owing must accompany offers made to the County by foreclosed owners, the Division of Taxation is hereby authorized *on or before the day before the County's auction of foreclosed properties* to enter into tax payment agreements with foreclosed owners of owner-occupied residential property, for a payment

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term not to exceed one (1) year. These agreements will allow the foreclosed owner of a tax foreclosure property to pay up to twelve (12) equal monthly payments of the outstanding delinquent taxes, interest, penalties, and associated charges. Upon final payment pursuant to said agreements, the County shall deed the property in question back to the foreclosed owner. Should the foreclosed owner default on the agreement entered into as authorized by this resolution, the agreement shall be automatically terminated, and the property may be sold at public auction. For the purposes of this resolution, "default" shall mean no payment is made pursuant to the agreement within fifteen (15) days subsequent to the agreed-upon date of payment. ~~Offers from foreclosed owners of residential properties 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.~~

5. Transfer of Tax Foreclosure Properties by Public Auction.

If no request is received from an entity described in paragraph 2A above, or from a foreclosed owner or mortgagee, the tax enforcement officer shall sell foreclosed properties at public auction, ~~subject to approval of the County Legislature.~~ Should a foreclosed owner, mortgagee, or other party with a prior interest in the property bid at the auction, their bid shall be required to be no less than the amount of all delinquent taxes, interest, penalties, and associated charges outstanding on the property. Except for any such foreclosed owners, mortgagees, or other parties with a prior interest bidding on a property in which they have a prior interest, no bidder who is the owner of tax delinquent property within the County of Chautauqua at the time of the auction shall be permitted to submit a bid at the auction. For purposes of this paragraph, "tax delinquent property" shall mean property with unpaid taxes or re-levied taxes that are unpaid as of June 1st after the previous County tax levy, and remain unpaid at the time of the auction.

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. The County Tax Enforcement Officer shall also file a periodic report with the County Legislature of each transfer made pursuant to Section 3, 4, and 5 of this resolution.

Signed: Huckno, Cafilisch, Barmore (A.S. No: Keefe, Wilder)

MOVED by Legislator DeJoe, SECONDED by Legislator Croscut to TABLE.

CARRIED w/ Legislators Cafilisch and Barmore voting "no" – July 29, 2009

Deletion indicated by strikethrough – New Language in Italics

Amended: MOVED by Legislator Barmore, SECONDED by Legislator Wilder to: Restore the code compliance requirements deleted on 7/6/09 by the Administrative Services Committee in Paragraph 3 and 4 of the tax foreclosure policy as set forth below, but also add the underlined text to the restored provisions, as follows:

In Paragraph 3:

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.

In Paragraph 4:

Offers from foreclosed owners of residential properties other than owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer.

Carried w/ Legislator Caffisch voting "no"

Amended: MOVED by Legislator Ahlstrom, SECONDED by Legislator Keefe to reinstate the words "Acceptance of offers shall be subject to approval of the County Legislature." in Paragraph 3 and 4, and reinstate in Paragraph 5 the words "subject to approve of the County Legislature", and remove "The County tax enforcement officer shall also file a periodic report with the County Legislature of each transfer made pursuant to Section 3, 4, and 5 of this resolution" at the end of 6C.

Carried w/ Legislators Babbage, Barmore, Caffisch, Croscut, Gould, Lemon, Nazzaro, Park, Richmond, Runkle voting "no".

MOVED by Legstr. DeJoe, SECONDED by Legstr. Croscut to TABLE –Carried/ w Barmore & Caffisch voting "no"

RES. NO. 138-09
Adjust 2009 Health Department Accounts

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

WHEREAS, the Health Department wishes to purchase new office furniture for certain Environmental Health areas and the main Health Department reception area to improve efficiencies, provide for client privacy, and improve customer service; and to replace worn, ripped, 15-year-old main reception area carpeting; and

and WHEREAS, Resolution 109-09 amended the budget to add unanticipated COLA funding;

WHEREAS, the Health Department now has excess contractual appropriations and desires a transfer of funds to the account class under which the above mentioned equipment can be purchased; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following changes to the 2009 budgetary accounts:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.2	Equipment – Public Health Administration	\$ 4,700
A.4010.----.3	Depreciable Equipment – Public Health Administration	2,690
A.4090.----.3	Depreciable Equipment – Environmental Health	<u>13,410</u>
		\$ 20,800

DECREASE APPROPRIATION ACCOUNT:

A.4035.----.4	Contractual – Family Health Services	\$ 20,800
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Signed: James, Mueller, Stutzman, Cornell, Nazzaro, Richmond, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 139-09

Amending Department of Planning Budget Accounts to Include Additional Snowmobile Trail Fund Money

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

WHEREAS, the Legislature of the County of Chautauqua authorized application for funding through various funding programs and funds were received on behalf of the County Snowmobile Federation in 2009; and

WHEREAS, the amount received is in excess of the amount included in the 2009 budget; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.4	Contractual – Planning	\$ 146,475
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INCREASE REVENUE ACCOUNT:

A.8020.R388.9002	Other State Aid: Snow Trails	\$ 146,475
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Signed: James, Croscut, Cornell, Nazzaro, Richmond, Gould, Heenan, Hallquist

Unanimously Adopted – July 29, 2009

RES. NO. 140-09

Authorize Lease Agreement with Town of Chautauqua – Office Space Mental Hygiene Departments

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

WHEREAS, the Chautauqua County Department of Mental Hygiene is interested in leasing space for its SPOA, CCSI, SCM/ICM, Tapestry Programs; and

WHEREAS, Town of Chautauqua Municipal Building has suitable office space available for the Mental Hygiene Department; and

WHEREAS, it is appropriate for the County to lease such space from the Town of Chautauqua in order to enhance mental health services in Chautauqua County with the new Tapestry program and to centralize the new with some existing services; therefore be it

RESOLVED That the County Executive is hereby authorized and empowered to execute a lease agreement with Town of Chautauqua, 2 Academy Street, Mayville, substantially in accordance with the following:

1. Premises: Approximately 2,068 square feet (Room 200 - 946 sq ft and Room 202 - 1,122 sq ft) at 2 Academy Street, Mayville.
2. Term: One (3) year term with two options to renew for up to two (2) years.
3. Rent: Not to exceed \$1,650.00 (\$.80 per sq ft) per month.
4. Utilities: Water, sewer, natural gas, cleaning, parking facilities included. Electric not to exceed \$100.00 (\$.05 per sq ft) per month.
5. Other: As negotiated by the County Executive.

Signed: James, Mueller, Stutzman, Cornell, Nazzaro, Richmond, Gould

Unanimously Adopted – July 29, 2009

RES. NO. 141-09
Additional 2009 Occupancy Tax Allocation – Light the Lakes

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Babbage and Kindberg:

WHEREAS, noting with satisfaction, Light the Lakes, a countywide spectacle where we light the Chautauqua Sky in one of the largest fireworks display in North America that can be seen from SPACE, is an annual event held over Labor Day weekend with the big "take-off" on Sunday, September 6, 2009; and

WHEREAS, declaring, for the 2008 Light the Lakes spectacle, each community involved (Bemus Point, Findley Lake, Jamestown, Lakewood, Mayville/Chautauqua, Midway State Park and Westfield & Barcelona) noticed a substantial increase of attendance to their local hotels, restaurants and events from 2007 and 2008 over Labor Day weekend as a result of the first annual Light the Lakes with a combined spectator attendance approximately totally 250,000; and

WHEREAS, emphasizing, this is the only even of it's kind in North America, attracting visitors from all over the tri-state area resulting in an economic impact of \$6.1 million to our region; and

WHEREAS, desiring, the funds requested from the occupancy tax reserve to be used to expand the event to provide the level of entertainment and attraction (additional fireworks to more locations around the County, including the wineries highlighting the wine trail; adding additional floating locations on the lakes; and selecting strategic higher elevated locations close to various communities to encourage more involvement and participation) to Chautauqua County that Light the Lakes would like to achieve; and

WHEREAS, regrettably, due to the economic and political climate in Albany, the State of New York was not able to be forthcoming with the funding Light the Lake received in 2008; therefore be it

RESOLVED, That Light the Lakes shall be allocated the sum of \$20,000 from the Chautauqua County Occupancy Tax reserve to assist the 2009 Light the Lakes spectacle.

Signed: James, Croscut, Hallquist, Richmond, Heenan, Cornell, Nazzaro, Gould

Adopted w/ Legislators Huckno, Stutzman, Ahlstrom voting "no" – July 29, 2009

RES. NO. 142-09

Additional 2009 Occupancy Tax Allocation – Airshow/Jamestown

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Babbage and Park:

WHEREAS, the Great Chautauqua County Airshow will be held August 21-23, 2009 at the Chautauqua County Airport, Jamestown, N.Y., a tourism destination event with a goal of attracting a minimum of 10,000 people in 2009 from outside as well as inside Chautauqua County; and

WHEREAS, the airshow experience is being held at the Jamestown Terminal of the Chautauqua County Airport, in order to promote awareness and opportunity at this community jewel; and

WHEREAS, the airshow experience is the most patriotic event in the country and is currently enjoying record attendance across the United States and abroad; and

WHEREAS, the airshow organizer (Chautauqua Leadership Network) has reserved 184 hotel room nights at the Clarion Hotel, Jamestown for the professional and military pilots and crews who will be attending the event with an immediate local impact; not counting the many people attending from outside Chautauqua County who will also spend money for lodging, food and entertainment locally; and

WHEREAS, this is the ONLY airshow in the Erie, PA, Buffalo/Olean, NY area being held this year and which attracted 5,000 people in 2008 (as a smaller, less publicized event), expects to attract a minimum of 10,000 people in 2009 and has a marketing plan to attract 25,000 by 2013; and

WHEREAS, both Gulfstream International Airline and FedEx will be exhibiting their aircraft for promotion and support of the airport and their businesses; along with numerous military and civilian aircraft in demonstration and on display; and

WHEREAS, the County's occupancy tax revenues are to be utilized for tourism and convention development including the promotion of special events such as The Great Chautauqua County Airshow, that will bring numerous visitors and beneficial economic impact to Chautauqua County; and

WHEREAS, the organizer has raised monies to support the contracts with the pilots and the event developer, however because of the current economy, sponsorships and difficult to obtain and the ability to cover the marketing and promotion is of concerned; and

WHEREAS, the airshow has the support of the Chautauqua County Airport Commission; and the airshow steering committee includes as its members both the Airport Manager as well as the FBO; and

WHEREAS, the Great Chautauqua County Airshow is an excellent example of an ongoing event that will promote tourism for Chautauqua County; now therefore be it

RESOLVED, That The Great Chautauqua County Airshow shall be allocated the sum of \$10,000 from the County's occupancy tax reserve to be used to pay for marketing and promotion of the event.

Signed: James, Croscut, Hallquist, Heenan, Cornell, Nazzaro, Richmond, Gould

Adopted w/ Legislators Huckno, Kindberg, Stutzman, Ahlstrom voting "no" – July 29, 2009

RES. NO. 143-09
 Authorize Sale of Tax Delinquent Parcel in Village of Celoron

At the Request of County Executive Gregory J. Edwards and Legislators Huckno, Keefe, Caflich, Wilder and Barmore:

WHEREAS, pursuant to Resolution 73-09, the County Legislature authorized an agreement with the Village of Celoron regarding demolition of a dilapidated residential home on tax delinquent property located at 45 East Duquesne Street, with it agreed that the property would be sold for not less than the cost of the tipping fees incurred in the disposal of the demolished home and associated debris; and

WHEREAS, the Village has demolished and removed the residential home, and all contiguous property owners were contacted for their interest in purchasing the now vacant land, and one contiguous property owner (Daniel J. Dolan) has made an offer for the parcel; therefore be it

RESOLVED, That the County Executive and County Real Property Tax Director are hereby authorized to sell the tax delinquent parcel at 45 East Duquesne Street in the Village of Celoron (tax parcel 369.19-1-11) to Daniel J. Dolan and execute all documents necessary to complete the conveyance on the following terms and conditions:

1. Purchase Price. Purchaser to pay the cost of the tipping fees (\$780.00) incurred in the disposal of the demolished home and associated debris.
2. Recording Charges and Taxes. Purchaser responsible for all recording charges (\$309.00) and the 2009-10 Village and School Taxes.
3. Other. As negotiated by the County Executive.

Signed: Huckno

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent - July 29, 2009

RES. NO. 144-09
 Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08; 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.

	<u>OFFER NUMBER</u>	<u>MUNIC</u>	<u>S/B/L</u>	<u>PROPERTY LOCATION</u>	<u>PURCHASER</u>	<u>FORECLOSED OWNER</u>	<u>OFFER AMOUNT</u>	<u>TAXES OWING</u>
QC	3888	Busti	403.08 -2-53	Garfield Rd	Elizabeth J. Bradt	Elizabeth J. Bradt	\$6,591.89	\$6,591.89
Signed: Keefe, Wilder, Huckno, Caffisch, Barmore								

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent - July 29, 2009

LOCAL LAW
INTRODUCTORY NO. 6-09
CHAUTAUQUA COUNTY

A Local Law Providing for Written Notification of Defects and Obstructions on County Roads and Other Property in the County of Chautauqua as a Condition Precedent to the Maintenance of a Civil Action

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

Section 1. The purpose of this local law is to update Local Law 9-1979 to clarify that the requirement of prior written notice as a condition for bringing civil actions against the County of Chautauqua also applies to sidewalks, crosswalks, parking lots, walkways, ramps, driveways, curbs, and gutters. This local law also updates Local Law 9-1979 to reflect the renaming of the Department of Public Works to the Department of Public Facilities, and replaces references to the "Board of Legislators" with "County Legislature."

Section 2. No civil action shall be maintained against the County of Chautauqua for damages or injuries to person or property sustained by reason of any highway, sidewalk, crosswalk, parking lot, stairway, walkway, ramp, driveway, bridge, culvert, curb, or gutter being defective, out of repair, unsafe, dangerous or obstructed, unless written notice of such defective, unsafe, dangerous or obstructed condition was actually given to the Clerk of the County Legislature or the Director of Public Facilities; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of or in the absence of such notice, unless such defective, unsafe, dangerous or obstructed condition existed for so long a period that the same should have been discovered and remedied in the exercise of reasonable care and diligence; but no such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow and ice upon any highway, sidewalk, crosswalk, parking lot, stairway, walkway, ramp, driveway, bridge, culvert, curb, or gutter unless written notice thereof, specifying the particular place, was actually given to the Clerk of the County

Legislature or the Director of Public Facilities and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section 3. The Director of Public Facilities shall transmit to the Clerk of the County Legislature within ten (10) days after the receipt thereof such written notice.

Section 4. The Clerk of the County Legislature shall keep an indexed record, in a separate book, of all written notices which are received of the existence of such defective, unsafe, dangerous or obstructed condition, in or upon; or of an accumulation of ice and snow upon any County highway, sidewalk, crosswalk, parking lot, stairway, walkway, ramp, driveway, bridge, culvert, curb, or gutter, nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is received.

Section 5. Nothing herein contained shall be construed to relieve a claimant of the obligation to serve a notice of claim as provided in Section 50-e of the General Municipal Law. Further, nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute of limitations which is applicable to these classes of actions, but, on the contrary, shall be held to be additional requirements of the right to maintain such action.

If any clause, sentence, phrase, paragraph or any part of this law for any reason be adjudged finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph; or part thereof directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this law would have been adopted had any such provision not been included.

Section 6. Local Law 9-79 of the County of Chautauqua, as amended, is hereby superseded by this local law as of the effective date of this local law, except as it relates to notices filed prior to the effective date of this local law, and except to the extent that any portion of this local law is for any reason adjudged by a court of competent jurisdiction to be invalid.

Section 7. This local law shall take effect on the date it is filed with the Secretary of State.

Laid on Desks: 6/24/09
Adopted by Legislature: 7/29/09
Public Hearing: 8/10/09
Sent to State: 8/18/09
Adopted as LL 4-09

2nd Privilege of the Floor

Mr. Dalpra thanked the Legislature for supporting Res. No. 141-09.

Ms. Hutton thanked the Legislature for supporting Res. No. 142-09.

Mayor Frey thanked the Legislature for coming down to Dunkirk.

MOVED by Legislator DeJoe, SECONDED by Legislator Caffisch and duly carried the meeting was adjourned. (8:02 p.m.)

Regular Legislative Meeting
Wednesday, August 26, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. Absent: Huckno

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

MOVED by Legislator Caffisch, SECONDED by Legislator Gould and duly carried, the minutes were approved. (7/29/09).

1st Privilege of the Floor

Jane Conroe, 4741 Whiteside Parkway in Maple Springs. I am here this evening representing myself mostly, as an individual volunteer for the County. I also feel like I do have quite a few responsibilities in other organizations. Please forgive me, I am going to read part of the comments I organized for this evening. First, as a writer of a 2% grant, for the Maple Springs Improvement Committee project to reinforce and vegetate some common land in Maple Springs, I thank you for your financial support for that 2% project. The people of Maple Springs have watched 9 acres of land disappear in Chautauqua Lake every year from that area and hopefully the structures that will be put in place will stabilize that section, a very small section of the lakeshore. I can not state loudly enough that the large problems that we face, can be solved by small actions of a few people. Some of those few people are here tonight from Maple Springs to help support you tonight as you make some proper and I hope correct decisions. Because now you, the Legislators, are the few people who can make a difference.

Secondly, I ask you to please pass the resolution that will be put before you tonight to regulate the sale of phosphorus lawn fertilizer. With Doug Conroe, I have tested each basin in Chautauqua Lake eight times every summer for the last 22 years. We receive a CSLAP report, that is the organization that we represent, from the New York State DEC every year. The April 2008 report, stated, "phosphorus levels have risen in both basins since the last 1980's". Chautauqua Lake is on the New York State DEC's propriety water body list for impairment due to phosphorus and it's been on that list since 1996. In the 2008 CSLAP report, it further states that the CSLAP data suggests that that listing is in fact warranted. "Surface phosphorus readings regularly exceed the State's guidance value for lakes used for contact recreation, swimming." In case you have not yet received it, today, the County Health Department issued an advisory for swimming in Chautauqua Lake due to a blue/green alga bloom. Why did that bloom or those blooms occur? Too much phosphorus is the answer and possibly nitrogen too.

Documents that you have financially supported in the past have given suggestions like; remove nutrients from the lake. That is the 200 Management Report. Programs to reduce nitrogen's and phosphorus input should begin or continue and the way that they should be done are things like banning phosphates in dish soaps, require uniform erosion laws, that is from your State of the Lake report. Limiting increased nutrient loading to the lake from the watershed and recognizing the toxic consumes, would be prudent. Quoted from the Bob Johnson 2007 aquatic plant report that you also provided money for.

In 1977 Chautauqua Lake studies indicated that the critical value for phosphorus loading to avoid severe alga blooms was 14,647 kilo grams per year. That would go into the north basin. For the south basin, 5,000. Let me tell you how much really went into the lake. Over 27,000 kilo grams per year. Remember the CSLAP reports are also telling you that those numbers are increasing each year. By the way both of those figures far exceeded the State recognized limits.

You have a chance right now to stop the source of phosphorus in the lake by your vote. It is a small action now, no one else can do it. By the way, it won't cost any money.

Let me also remind you that money that provided this information this information to you, came from the CSLAP program and Bob Johnson. You helped finance that information by supporting the Chautauqua Lake Association because that is the source of both of those sources information. The analysis of the samples is expensive and it is Bob and us, our work that provides it to you. Please, continue financing the Chautauqua Lake Association because of the work that they have already done and I will tell you that you will get no more bang for you buck, than with Bob Johnson. He is a fabulous resource to this area.

Tonight you also have a chance to consider whether or not the Watershed Conservancy's project of a 25 acre wetland can also be preserved. The purpose of 2% bed tax dollars, as you well know, is to protect waterways and there is no cheaper way than to preserve the land. Wetlands worldwide are valued over (*inaudible*) of dollars. Because of the services they provide, how else would you pay to filter the water that falls there, remove the phosphorus and nitrogen that is already there, protect the shoreline erosion, hold that sediment and oh, by the way, prevent floods at the same time. Traditionally that piece of land produced \$731. tax dollars to the County every year. Those tax dollars are willing to be paid for this by the Chautauqua Watershed Conservancy. Speaking not for myself here but I am also speaking for the Watershed Conservancy members that are represented. Those folks know that it is a lot cheaper to paint the house than to restore it once its rotted. My metaphor is, it's a lot cheaper to preserve that land now while it is giving you a huge value than to let it go and let the watershed around it, decay. Please protect it, please protect our waterways by preserving that land.

I also didn't mention that earlier today, I wanted to show you the water from Bear Lake and the water from Cassadaga Lake. (Showed Legislature to bottles of lake water). If you look at the water, the clarity through that, it's not bad. Both of those lakes today are in pretty good shape according to my evaluation and really today it's just visual. However, I brought you water also from Chautauqua Lake. This is Maple Spring's creek today and this is a public beach in Maple Springs today. This is the reason why that health advisory was put out. It was because of this blue green alga scum that is now there. Why is it there? Because of phosphorus. Please understand that I would like you to understand blue scum algae, but not because it is just nasty looking. It is number one, a health hazard, it is number one going to be a reason why you are going to see a lot more of it if you do not help support the organizations that are already keeping this under control and trying their very hardest. You also need to understand that the money that will support those organizations will do something else, educate people that we need to help in this process. Remember, I said a few people earlier. Another thing that that algae scum will do is increase if in fact we don't change the things that we need to do. But remember we started this by talking about tax dollars. I am going to remind you one more time, that the tax dollars that we all need for all of these projects, come from those same people that want to use this space and when they use this space and it has on it, they will not be back here. So please understand, fewer dollars, I am afraid will effect all of us if the tax dollars aren't there. Fewer dollars, that I think the health of our people, not only our visitors but our own residents, are critical. Phosphorus and saving the land around the watershed are two huge ways to help and neither of them cost very much money. Thank you.

Mr. Chris Yates, I am the President of the Chautauqua Lake Association. I am here representing the Chautauqua Lake Association this evening. First and foremost, I want to thank the Legislature and the County Executive for their support during 2009 without which we could not have conducted our very valuable work to date. We've extracted 10,000 tons of sub-aquatic vegetation. That does not include numerous fallen trees, limbs, and other debris that have accumulated along the shorelines of our beautiful Chautauqua Lake. That tonnage is equivalent to about 20 million pounds. The (*inaudible*) that we removed would cover 13 professional football fields, one foot in depth. The weight of 20 million pounds is equivalent to the weight of the Eiffel Tower in Paris, France.

When we started in 2009, we had to take a strategic decision and that was that we had to dry dock two of our barges, two of our harvesters and one of our barges. At this date, we are anticipating a loss in our operations in the order of \$30 to \$50,000. This will be the third consecutive year that we have had to operate at an operating deficit. We required capital funds to make capital

equipment purchases through the kind generosity with private foundations throughout this County. We continue to be supported by approximately one third of our operating budget being covered by private donations. We have not always been at the well or drinking at the trough, but we've become dependant on the funding by this County for (*inaudible*) but our work. Sadly we learned yesterday that the State of New York, because of the crisis of our financial straights in this State of New York, is only going to be able to fund \$25,000 out of the \$50,000 annual contract that we had in place for the past several years. That, plus a continued cost of operations that can't be met by strictly private donations, (*inaudible*) this in a very serious financial situation as we look upon our plans for 2010.

We've been asked to submit request to the Legislature in two forms this year for our funding in 2010. The first one is through the Waterways project funding under the 2% occupancy tax. Regrettably, a \$165,000 of project funding, didn't rank well. We knew that they wouldn't. The ranking, the criteria that was established did not provide for operating entities such as the Chautauqua Lake Association. So, regrettably, we had to turn to our second source of funding which would request, under the budget request of the Chautauqua Lake Management Commission. I learned earlier today that the budget request which included that same \$165,000. which by the way covers, \$85,000 for additional shoreline cleanup, \$35,000 for additional harvesting, and \$45,000 for Dr. Johnson's work through Cornell University are not included and are not planned to be funded as it currently stands under the County's budget. The impact of these realities is all to clear to us at our Board of Directors of the Chautauqua Lake Association, and very sad of what the impact might be, should the County not be able to fund this \$165,000. We've enjoy and thank you for your continued support of the \$35,000 which we have in place on the contractual basis for the harvesting of sub-aquatic vegetation. Regrettably though, if we are not able to fund the \$165,000, we're faced with a couple of alternatives. One is to accept graciously as we conform to the (*inaudible*) contract terms, provide the services called for under that contract for \$45,000 of work and benefit the residents of Chautauqua County. To then to see if we have sufficient funds to do any more work. Secondly, to then consider, do we do work on a contract basis privately? Can someone come to us and contract to have the area immediately in front of their property cleared form debris in case of shoreline of sub-aquatic vegetation in the case of so called weeds. Thirdly is a very regrettably decision we might have to face and that is to dry dock our entire fleet. Before that, I think what we're suggesting is to come to you all with a proposal that you either buy or lease our extensive specialized equipment for the harvesting of sub-aquatic vegetation removal, transport barges, and our vehicles, at book value or some negotiated lease arrangement. You take over the operations of the lake stewardship that we have been providing for over 60 years. I would seriously ask that the Legislature and the County Executive find a way that this important funding be preserved for us. If we are not able to at the same level we operated this year, provide these very valuable necessary services, until the results of the Chautauqua Lake Management Plan are known and recommendation and strategies are established and importantly funding for those strategies is in place, I believe, and I believe our membership and our board are of mind, that our presence and our work is necessary. It's not a, it's nice if we can do it, too bad if you don't, it would take three short months next summer to see if this very valuable resource that we all know and love and some of us even grow up around, would be clogged, un-navigable, unsafe, and highly undesirable to our residents, to our perspective homeowners of purchases who would become taxpayers and certainly to tourist who might come to (*inaudible*) on our beautiful Chautauqua Lake. Without our work, the overall economic health I believe of Chautauqua County will stand in jeopardy. I sincerely ask that you work with the County Executive to find a way that you can provide this necessary funding. We're not looking for acquisition of new equipment, we are not looking to increase the size of our head count. In fact, I am very proud of the fact that Paul Swanson, our general manager, and our staff (*inaudible*) head count that is about 25% below the past several years. We've operated that equipment, even with some mechanical breakdowns and unforeseen circumstance, and have done what I think is a tremendous job in what has been a very debilitating and challenging summer. You only have to look out side and see. It is not easy doing the work, the young men and woman that populate our workforces are out there in all kinds of weather. Sometimes (*inaudible*) too. Please, please, help save our beautiful Chautauqua Lake, this precious jewel that we have in Chautauqua County so that the implementation and recommendation of the Chautauqua Lake

Management Plan can become known, studied, and then the funding sources for those recommendations be sought, found, and provided. I thank you very much for your attention.

Mr. Timothy Olson. I made the drive up from Warren, Pennsylvania tonight. You might ask, why would I do that? Well, it's because you send me water. We're in the same watershed folks. What goes down the Chadakoin, goes down the Conewango, goes down the Allegany, goes to Pittsburgh, and down the Mississippi. If I might, I would just like to tell Mrs. Conroe what a wonderful job she has done at presenting these samples here. I spent 28 years at Cummins. I am now retired. I am a retired quality engineer. I earn my living doing sampling. I can tell you, this is not good. This should concern everybody in here. For the sake of your children and your children's children down the road, this is serious. So, on behalf of what is down stream, the people living down stream in the watersheds that are directly impacted by what goes into this lake and everything upstream of the lake, and behalf of the sportsman of Chautauqua County, Warren County and all points south, please, please take all of this information and this data, we want to be a data based decision process here, I think that you have some pretty good sampling. Go out and take some more. I am sure that it is going to be there tomorrow. Please take all this information to heart and make it a matter of your deepest concern because we are deeply concerned for this watershed. Thank you very much for your time and consideration.

I'm Nancy Bargar, I live at West Terrace Avenue in Lakewood and own property in the lakeside community of North Harmony and Chautauqua Institution. I particularly want to remind you that although I speak for myself. I am a trustee at Chautauqua Institution for seven years. I have been working on this board to try and keep people coming back and as you know, very frequently, the Institution has been a model of composting. Mrs. Kindberg knows that. We have worked together on that. It has been a model for many things because it is a gated community. But right now, (*inaudible*) and the Institution is in the process of creating its next strategic plan. The things that we've been working towards for the year 2018. In the strategic plan, a number of us, I would say a critical mass of the board have put in language related to the green economy and to keeping the environment what it should be and something that we can be proud of. So, I implore all of you to help us and particularly, somebody like me, who lives here year round, I do my best in the summer months and during the season to promote our lake. I know that John Jablonski would be the first to tell you that the growth in the Chautauqua Watershed Conservancy is very much tied to the efforts of Chautauqua Institution visitors signing up as members and bringing the membership to a real critical point (*inaudible*) do things and listen to and heard and raise money. The drinking water for Chautauqua Institution comes directly from Chautauqua Lake. I tell you, tonight, they are all (*inaudible*) but if they were here looking at this, I think that they would be very embarrassed. Thank you.

My name is Dave Edwards and I am with the Chautauqua County Farm Bureau in which I am the Vice President. We would like to see this lawn fertilizer restriction be tabled until the Chautauqua Lake Management Commission report comes out at the end of the year along with its recommendations. It has a whole series of recommendations of which part of it is lawn fertilizers. We have concerns with some of the definitions of the regulations. Number three of the definitions, lawn fertilizer means commercial fertilizer distributed primarily for non-farm use, such as lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries need to be eliminated from this. This is a commercial business where they actually use one of the three big plant phosphorus actually to grow the plants. So that needs to be eliminated from the definition of lawn fertilizer.

According to the Chautauqua Lake, State of the Lake report, home fertilizers impact was apparently minor. Careful homeowner's behavior could keep it a minor issue as far as phosphorus being leached into the water systems. The biggest issue was dish washing detergent. Gray water discharged poses a greater impact than lawn fertilizer. Three thousand households along the lake washing 200 times a year, produce 3 grams of phosphorus per wash, or equals 19 kilo grams per year which amounts to 66% of the sewage phosphorus load in their sewage. I believe our major impact of phosphorus in our lake comes from municipalities dumping our their sewage into the lake.

In a study that was done in An arbor, they actually banded the lawn fertilizer and here is the conclusion. It would be attempting to conclude that phosphorus reductions were caused by the implementation of the ordinance and that they may indeed be the case. However the ordinance was enacted in the context of public education. Efforts that encouraged citizens to be more mindful of yard waste discharges into storm drains, to exerts diligence regarding bumper stripes along vegetation, stream banks, and exhibit more environmental awareness in general. These multi facets efforts make it difficult to isolate a single cause for the changes in the reduction of phosphorus in their streams. But the conclusion measurements are certainly in (*inaudible*) in the watershed as well as others but initial result (*inaudible*) base find data be 25% or more in the changes at 28%. Basically what they are saying is, they had more educated public that helped reduce the phosphorus.

One of the ways that we feel that you can reduce some of the phosphorus in the streams is by adding to the Soil & Water budget to help with the stream bank erosion. A lot of the streams that run into the lake have erosion along their banks. If we can grant more money into the Soil & Water people, we can get more bang for our buck as far as reducing our soil and phosphorus levels into the lake.

My name is Tim Bigham, I am (*inaudible*) advisory with New York Farm Bureau and I am here regarding the phosphorus issues as well. I think first of all, I would like to reference February 19th of last year, Public Facilities Committee meeting in which the committee seemed to by the comments, intend to set the example as the County Legislature on County lands, County parks, etc., for the discontinuation of phosphorus containing fertilizers. Rather than, setting a law. Rather than mandating, they decided the intent was going to be, lets try to promote this voluntarily. I don't know if people didn't follow the example or what, but, I don't know why you are discontinuing what you started last year.

Second point that I would like to make is, there are flaws in this law. Dave had pointed out that the nurseries and greenhouses are included. The State Right to Farm Law, would supersede this law as far as nurseries and green houses to use that kind of fertilizer. So, something needs to be patched up with that issue before a law such as this would be passed.

My third point that I would like to make. I will turn to Exhibit A. As compelling as these four bottles are, these are not scientific. They were pulled from water bodies by an individual. I don't think is a scientist.

Mrs. Conroe: I am a scientist.

Mr. Bigham: Did you use –

Chairman Ahlstrom: Sir, would you please address the Legislature.

Mr. Bigham: I don't know if she used scientific methods to pull them or not, I am not sure but, doing this scientifically and using the studies that have been produced, and again, what Dave said, the study that the Chautauqua Lake Management Commission is putting forth, would be preferred. I would just encourage you to consider the impacts. I know in this law the intent is to protect agriculture or to exclude agriculture from these things. It's throughout the law that you want to do that. I would just be careful and make sure that that is actually what does happen. You have a fundamental base in this County of farmers that are not just your bread producers in this County but there are also volunteers in your communities, also the hard working group of people that really are the fundamental basis of communities. Not that there aren't others obviously, but farmers are at the core of that. I want to make sure that that is protected from Farm Bureau standpoint. We want to make sure that agriculture is considered in this and taken very seriously. I thank you for your attention and appreciate the time.

My name is John Gullo, 221 Central Avenue, Fredonia, N.Y. I would like to address you briefly with respect to Res. 168-09, which is the distribution of the occupancy tax to various organizations. I want to start out by saying, I certainly in no way, would ever want to show any

disrespect or anything to the organizations that are on the proposed distribution list. I am sure that they are all wonderful projects. However, I note a disparity that I think this Legislature needs to address, if not now, in the future. The distribution of these funds appears to be slanted. It appears to be going in a disproportionate share to part of the County, to the detriment of another part. That part being the north County in this particular year. I am not one to engage in the north County/south County war in any way. On the other hand, the collection of these taxes is Countywide and the distribution needs to address that there are good projects on the south County and good projects in the north County that deserve our funding. If there were no legitimate, valid, important projects that had come in from the north County, that would be one thing, that would be perfectly o.k., but I am aware of their being at least one project that was not funded in the proposed list, that being Festival Fredonia. Festival Fredonia does a lot of nice things and I would belabor the point. They have an application before you. I would like you to consider amending your distribution list and take into account that application. It is only one little thing that goes to correct a little bit of disparity. The percentage of disparity might be open to some discussion, but there appears to be a rather large disparity this year and I think that needs to be addressed by this Legislature. Perhaps in its rules with respect to how the advisory committee reaches its goals, reaches the numbers it reaches. Perhaps they need to be given a little more direction with respect to that north county/south county issue. Thank you.

Mr. John Jablonski, 213 Spruce Street, Lakewood, N.Y. and speaking as an individual. I am representing the Chautauqua Watershed Conservancy. First I would like to commend the Legislature for considering this phosphorus legislation tonight. I would agree with Mr. Bigham that, like the Farm Law, really exempts agriculture activities from this law, so I think you should not be concerned about that. He points out where the *(inaudible)* 28% be caught in the waterways after a while *(inaudible)* it was in partnership multi faceted effective educational approach in addition to the regulations. You can look at several initiatives around the country. If you look at *(inaudible)* for instance, we had a lot more *(inaudible)* of 60's and 70's than we do now and we have a lot less because of the multi facet approach taken were *(inaudible)* were strengthened, enacted the bottle bill, and it's the combination of strong educational programs, a lot of public education and changing the public's mindset through both education and regulatory approaches.

I think this phosphorus regulation, you have something that has been enacted and has been proven to be successful in other areas around the country where there is a measureable 18 to 28% drops in the phosphorus going into the waterways. Where it has been most successful has been in combination with an effective educational approach which the conservancy has been providing for several years through our initiatives such as our Shed Sheet and the blue and white signs that you see all around Chautauqua Lake and some of the other lakes. So, I would urge you to move ahead with that tonight and do something really effective for *(inaudible)* which is desperately needed.

Secondly, I would also encourage the Legislature to adopt the original recommendation of the waterways panel. You have set up an effective process, utilizing County experts to determine the projects, put before the County that will have the most impact on improving our waterways and I would encourage you that you follow the list of projects that was presented to the County Legislature's Planning and Economic Development Committee rather than as amended by that committee. Thank you.

Mr. Douglas Conroe, I live in Maple Springs, the community on the shoreline of Chautauqua Lake. I happen to be associated with another speaker here tonight and very proud to be associated with. I am the senior so I'm a little bit more outspoken. She is a mediator of the group, so I tend to say things a bit more direct which I am going to do. I am here tonight because of two items on your agenda,. The phosphate legislation and the 2% money for the waterways.

Nutrient loading of our waterways is a serious matter. It's a very serious matter. We've reached a turning point where going backwards to having good water can be questionable. It is going to take everyone doing everything to keep ourselves, especially on Chautauqua Lake, like the other lakes. No single action is going to make the difference. It's going to be a combined action of all of us doing everything we can. This legislation is part of that effort. It's a necessary part. If we all don't do

something, we're not going to achieve success. So we have to look at the picture a bit differently. The sewer plants have to treat for nitrogen removal and phosphorus removal. They will tell you that it is not going to make a difference if we do it. Well, if we pass this legislation, if they treat for removal, if we do land conservation, if we do other actions, if everyone does something, and it goes together, it will work and this doesn't have to happen. (Showing sample of lake water). We can still stop this. We've had two or three summers of this now in various locations. It's just reaching the north basin and it's coming in the south basin. We very much can do that. The sampling that was done and this was a quick one for you, the sampling that Jane and I have done over the years is under the direct supervision on the Department of Environmental Conservation. We've done it for a decade and a half now and we've achieved a reputation such that the Department of Health came to us a couple of years ago and said will you sample for arsenic? We did that. This year, the Department of Health came to us and said, will you sample for blue green algae? We did that a week or two ago and we did it again this week and the results of our work is what caused Bill Boria to put out the public press release today saying be careful about swimming in Chautauqua Lake because it is done scientifically, it's done credibly and the labs that we use are the Watsworth Lab which you heard about in the west nile, with the different viruses and Syracuse labs. Nutrients and phosphates must be addressed by everyone. The commercial to be exempt, doesn't hack it. If you know where I work, you know that I am in charge of the gardens at that place. We have two green houses. Our gardens, our greenhouses are fertilized with organic fertilizer. It can be done. There are other options on the commercial side. So our plants go out, (*inaudible*), and if you don't see Dave McCulla tonight, when you go by the Amphitheater and see plants, that is organic fertilizers on there. We don't use the phosphates and we're commercial. We have a heck of a lot of plants that we grow. But this is what Chautauqua Lake looks like in front of my house. I didn't take the lid off but if you would like to smell what I smelled at dinner last night, you'd pass on that quite definitely. I also have a couple of photos with me that I would like to give to the Clerk to circulate of Maple Springs creek that I took yesterday on my way after dinner on the way to the fire hall. I am glad that I don't live on that side of Maple Springs. That creek is unbelievable and as I talked to people in the room, it's not much different than some of their areas also. We need to deal with phosphorus, we need to deal with nitrogen and we need to do everything that we can in a multi faceted approach to deal with that. We need to improve the way we do bridge work, reconstruction, we need to improve the way that we do road ditches, everyone needs to come on board. And land and stream management are part of it. Your committee that you selected to represent you in making the waterways decision, developed a ranking scale, looked at it, looked at applications countywide and had them fit that ranking scale. Your committee removed the funding to the Watershed Conservancy off of that scale. They were there (*inaudible*) and that project serves a bona fide purpose. We're cutting off our nose to spite our face. Land conservation is part of the solution and the most economical part of the solution and it's part of the solution that improves neighboring property values. So, we take a little hit here and gain a little more there. I have to tell you, my neighbor who came in, in the middle of the night last night from Chicago and is here for his one week vacation a year and so did the rest of the family, I don't know if he is coming back next year to this. If the houses start selling, I am going to be the first in line at the Town of Ellery to ask for a lower assessment and the houses go down and if we don't do this land conservation, if we don't do phosphates, if we don't do everything else that we really need to do, we're going to find ourselves in a worse matter because people are going to vote with their feet and then the voters that are left, will have to pick up the tax burden and you will hear loudly from them that they are not willing to pick up that extra tax burden. So, I am here tonight to support those two items. Restitution of the one to the list and phosphates. Thank you.

Mr. Mark Baldwin, I live at 43 Clyde Avenue in Jamestown. I am here to speak in support of two piece of legislation. One is to support the regulation of phosphate containing lawn fertilizers in Chautauqua County and the second thing is to see to it that the Chautauqua Watershed Conservancy is allowed to purchase 25 acres of property on Goose Creek with support and assistance of 2% bed tax funds because an ounce of prevention is worth a pound of cure. Thank you.

Carried w/ Legislator Barmore voting "no". – August 26, 2009

RES. NO. 145-09

Confirm Appointments – Chautauqua County Housing & Neighborhood Revitalization Task Force

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

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

WHEREAS, County Executive Gregory J. Edwards has submitted the following 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 Housing and Neighborhood Revitalization Task Force.

John Murphy
2 Academy St.
Mayville, N.Y.
Term Expires: 7/31/11

Donald Bloomquist
105 Bush St.
Jamestown, N.Y. 14701-3636
Term Expires: 7/31/11

Roberta Keller
3 Crandall Ave.
Silver Creek, N.Y.
Term Expires: 7/31/11

Stephen Sorg
715 Harding Ave.
Jamestown, N.Y. 14701
Term Expires: 7/31/11

Julie Ortendahl
5186 Woodlands Drive
Dunkirk, N.Y. 14048
Term Expires: 7/31/11

George Holt
PO Box 174
Mayville, N.Y. 14757
Term Expires: 7/31/11

Don Harrington
205 Van Buren Street
Jamestown, N.Y. 14701
Term Expires: 7/31/11

Harold Whitford
107 West Main Street
Frewsburg, N.Y. 14738
Term Expires: 7/31/11

Signed: James, Kindberg, Heenan, Croscut

Unanimously Adopted – August 26, 2009

RES. NO. 146-09

Confirm Appointment & Re-Appointments – STOP DWI Advisory Board

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

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

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

Penelope Hutton
800 Lakeview Avenue
Jamestown, N.Y. 14701
Term Expires: 6/13/2012

Replaced: Cheryl Nelson

Re-Appointments:

Association of Chiefs
William L. Ohnmeiss Jr.
215 South Work Street
Falconer, N.Y. 14733
Term Expires: 7/31/2012

Traffic Safety Board
Ron Trippy
6755 S. Portage Road
Westfield, N.Y. 14787
Term Expires: 7/31/2010

Ann Abdella
276 Kiantone Road
Jamestown, N.Y. 14701
Term Expires: 7/31/2010

Residents
David L. Cochran
7976 Nichols Ave.
Westfield, N.Y. 14787
Term Expires: 7/31/2012

Ralph Germine
1012 Prendergast Avenue
Jamestown, N.Y. 14701
Term Expires: 7/31/2012

Thom Shagla
14 Main Street.
PO Box 633
Bemus Point, N.Y. 14712
Term Expires: 6/13/2012

Signed: Runkle, Beightol, Richmond, Huckno

Unanimously Adopted – August 26, 2009

RES. NO. 147-09

Authorize State/Federal Aid Application - Chautauqua County Jamestown Airport Five Year Plan (FY10-FY15)

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

WHEREAS, The County of Chautauqua has adopted a development program at the Chautauqua County Jamestown Airport to upgrade and expand runways, taxiways, and other facilities and the County has an approved Master Plan; and

WHEREAS, the Federal government and the State of New York have authorized grant-in-aid programs to assist local airport sponsors in improving aviation facilities, and the New York State Department of Transportation has requested an updated Five Year Capital Program; and

WHEREAS, the Capital budget and PFC Program of Chautauqua County have included appropriations to supply the local share of such grants in the past and may do so in the future;

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore
be it

RESOLVED, That the Department of Public Facilities and the County Executive are authorized to make application for Federal and State aid for the following Jamestown Projects:

- FY10 Airfield Guidance Sign and Panel Replacements (Design)
- FY10 Terminal Air Conditioning
- FY11 Rehabilitate Auto Parking Lot (Design)
- FY11 SRE Vehicle (Plow truck and sand truck)
- FY11 Airfield Guidance Sign & Panel Replacement (Construction)
- FY12 Rehabilitate T/W F & Apron (Design)
- FY12 Rehabilitate Auto Parking Lot (Construction)
- FY12 SRE Vehicle (Pickup Truck with Snowplow)
- FY12 EA for Parallel T/W for R/W 13-31 (Short Form C)
- FY13 Rehabilitate T/W F & Apron (Construction)
- FY14 Parallel T/W R/W13-31 (Design)
- FY15 Relocate Beacon (Design & Construction)
- FY15 Parallel T/W for R/W 13-31 (Construction)

Signed: Park, Nazzaro, Beightol, Babbage

Unanimously Adopted – August 26, 2009

RES. NO. 148-09

Authorize State/Federal Aid Application - Chautauqua County Dunkirk Airport Five Year Plan FY 2010-2014

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

WHEREAS, the County of Chautauqua has adopted a development program at the Chautauqua County Dunkirk Airport to upgrade and expand runways, taxiways and other facilities and the County has an approved Master Plan; and

WHEREAS, the Federal government and the State of New York have authorized grant-in-aid programs to assist local airport sponsors in improving aviation facilities, and the New York State Department of Transportation has requested an updated Five Year Capital Program; and

~~WHEREAS, the Capital budget and PFC Program of Chautauqua County have included appropriations to supply the local share of such grants in the past and may do so in the future; and~~

WHEREAS, the Airport Commission has reviewed and approved these projects; therefore
be it

RESOLVED, That the Department of Public Facilities and the County Executive are authorized to make application for Federal and State aid for the following Dunkirk Projects:

- FY10 Acquire Land in RPZ (Phases I & II)
- FY10 Extend R/W/ 24 & Parallel T/W including NAVAIDS; and Relocation of Newell Road (Design only)
- FY10 Obstruction Removal
- FY10 Purchase Friction Meter

FY11	Extend R/W 24 (Relocate Newell Road)
FY12	Extend R/W 24 & Parallel T/W including NAVAIDS (construction)
FY13	Rehabilitate T/W B (South)
FY13	Acquire Snow Removal Equipment
FY14	Rehabilitate General Aviation Apron

Signed: Park, Nazzaro, Beightol, Babbage

MOVED by Legislator Beightol, SECONDED by Legislator Wilder to amend by deleted the third WHEREAS in its entirety.

Unanimously Adopted as amended– August 26, 2009

RES. NO. 149-09

Authorize Easement to National Fuel for the Purpose of Constructing a Pipeline on County-Owned Land in the Town of Sherman

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the National Fuel Corporation wishes to extend a pipeline within the Town of Sherman; and

WHEREAS, extending the pipeline is in the best interests of the County; and

WHEREAS, the proposed location for the pipeline is identified as County-Owned Land, Tax I.D. No. 2-31-35 and 2-1-31.6, located on County Route 18; therefore be it

RESOLVED, That the County Executive is authorized to grant an Easement to the National Fuel Corporation for the purpose of constructing and using the aforementioned pipeline, on such terms and conditions as negotiated by the County Executive, and be it further

RESOLVED, That the County Executive is authorized to enter into all necessary agreements with National Fuel Corporation to facilitate the construction of the aforementioned pipeline.

Signed: Park, Nazzaro, Beightol, Babbage

Unanimously Adopted – August 26, 2009

RES. NO. 150-09

Establish & Increase Capital Account – Scale Replacement Landfill & Increase Capital Account – Repaving Parking Lot

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Landfill is required by permit to weigh all refuse loads that are delivered to the landfill; and

WHEREAS, the landfill is an enterprise operation and must generate sufficient revenue to pay all expenses and this is accomplished by user fees based on tonnage delivered to the landfill; and

WHEREAS, a properly functioning scale is critical to facility operation and the original scale, placed in service in 1991, has exceeded its dependable life; and

WHEREAS, it is necessary to repave the roadway around the scale and it is cost effective to repave landfill and electric plant access roads in the general area; and

WHEREAS, these projects have a higher priority compared with vehicle and equipment replacement; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.016.4	Contractual - Repave Parking Lot	\$50,000
EL.8160.027.4	Contractual - Scale Replacement - Ellery	<u>\$110,000</u>
		\$160,000

DECREASE APPROPRIATION ACCOUNT:

EL.8160.022.4	Contractual - Vehicle & Equipment Purchases	\$160,000
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Signed: Park, Nazzaro, Beightol, Babbage, Richmond, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 151-09

Establish Accounts for Americans With Disabilities Act (ADA) Facility Upgrades

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

WHEREAS, Chautauqua County owns and maintains several public facilities; and

WHEREAS, as part of its "Project Civic Access" program, the U.S. Department of Justice performed a review and inspection of County facilities and identified necessary upgrades pursuant to the Americans with Disabilities Act; and

WHEREAS, Chautauqua County recognizes the needs of its employees and citizens with disabilities; therefore be it

RESOLVED, That the Director of Finance is directed to make the following budgetary adjustments in furtherance of the Project Civic Access program:

DECREASE CAPITAL PROJECT RESERVE:

A.----- 878.0000	Capital Project Reserve	\$50,000
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INCREASE APPROPRIATION ACCOUNT:

A.9950.9999.9	Interfund Transfer – Transfer to Capital A-H	\$50,000
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ESTABLISH & INCREASE CAPITAL PROJECT ACCOUNT:

H.1620.534.4	Contractual – ADA Compliance	\$50,000
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.534.R503.1000	Interfund Transfer	\$50,000
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Signed: Park, Nazzaro, Beightol, Babbage, Richmond, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 152-09

Accept Grant from FAA & State to Perform Airport Security Upgrades at the Chautauqua County Jamestown Airport

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

WHEREAS, the County Legislature, Airport Commission, NYSDOT and FAA have approved a project for the Chautauqua County Airport at Jamestown to Perform Airport Security Upgrades AIP Project # 3-36-0048-37-09; and

WHEREAS, the NYSDOT has offered a matching grant to the Federal grant for 2.5% of the non-federal share of eligible costs; and

WHEREAS, Chautauqua County had committed funds for a local share of the funding in its 2007 adopted budget in the amount of \$11,250; and

WHEREAS, the estimated total of this project has increased from the original 2007 estimate; and

WHEREAS, the total project costs are as follows:

Federal -	\$ 714,400
State -	18,800
Local -	<u>18,800</u>
Total Project -	\$ 752,000

WHEREAS, if the County of Chautauqua and /or the FAA notifies the NYSDOT that the County has requested and received an increase in Federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding the State share noted above shall be increased proportionately up to a maximum increase of 15%; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary documents and agreements on behalf of Chautauqua County with New York State, FAA, engineers and contractors in connection with this project; and be it further

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes and increase capital accounts.

DECREASE CAPITAL PROJECT RESERVE:

A.-----878.0000	Capital Reserve	\$ 7,550
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INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfers: Transfer to Capital	\$ 7,550
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.147.4	Contractual - Security Improvements Construction	\$ 740,750
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.147.R359.7000	State Aid: Transportation Capital	\$ 18,800
H.5610.147.R459.7000	Federal Aid: Transportation Capital	714,400
H.5610.147.R503.1000	Interfund Transfer	<u>7,550</u>
		\$ 740,750

Signed: Park, Nazzaro, Beightol, Babbage, Richmond, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 153-09

Accept Grant from NYSDOT Air 99 Program to Rehabilitate Vehicle Parking Lot at the Chautauqua County Dunkirk Airport

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

WHEREAS, Chautauqua County has been awarded \$ 238,050 for the Rehabilitation of the Parking Lot at the Dunkirk Airport; and

WHEREAS, the County of Chautauqua and the State of New York will enter into an agreement which authorizes the undertaking and funding of the project as follows:

State - \$238,050
Local - \$ 26,450
Total - \$ 264,500

WHEREAS, NYSDOT Air 99 Program has approved the project for the Chautauqua County Dunkirk Airport consisting of Rehabilitate Vehicle Parking Lot NYS PIN # 5905.93; therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the NYSDOT Air 99 Program for financial assistance for PIN # 5905.93 at the Dunkirk Airport; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with NYSDOT , engineers and contractors in connection with this project.

Signed: Park, Nazzaro, Beightol, Babbage, Richmond, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 154-09

Accept Grant from NYSDOT Air 99 Program to Perform Maintenance Building Improvements at the Chautauqua County Jamestown Airport

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

WHEREAS, Chautauqua County has been awarded \$299,700 for Maintenance Building Improvements at the Jamestown Airport; and

WHEREAS, the County of Chautauqua and the State of New York will enter into an agreement which authorizes the undertaking and funding of the project as follows:

State - \$ 299,700
Local - \$ 33,300
Total - \$ 333,000

WHEREAS, NYSDOT Air 99 Program has approved the project for the Chautauqua County Jamestown Airport consisting of performing Maintenance Building Improvements NYS PIN # 5903.53; therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the NYSDOT Air 99 Program for financial assistance for PIN # 5903.53 at the Jamestown Airport; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents and agreements on behalf of Chautauqua County with NYSDOT, engineers and contractors in connection with this project.

Signed: Park, Nazzaro, Beightol, Babbage, Richmond, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 155-09

Transfer Emergency Services Operations & Maintenance Funds to Capital Project

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

WHEREAS, the Office of Emergency Services has determined the bus garage at the Mayville Municipal Building which they use to house their emergency service response apparatus is in need of siding repair, door repair and a new roof; and

WHEREAS, these expenses will be charged to their capital project account H.3410.614.4699 Emergency Services Center; and

WHEREAS, additional funding will be required to complete the above mentioned renovation; and

WHEREAS, there are funds available within the Emergency Services operations and maintenance budget; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary adjustments:

DECREASE APPROPRIATION ACCOUNTS:

A.3010.----.3	Depreciable Equipment – Emergency Services	\$ 8,551
A.3640.----.3	Depreciable Equipment – Hazardous Materials	5,335

A.3640.----.2	Depreciable Equipment – Hazardous Materials	1,066
A.3989.----.4	Contractual – Emergency Medical Service	4,000
A.3640.----.4	Contractual – Hazardous Materials	16,000
A.3010.----.4	Contractual – Emergency Services	<u>68,000</u>
		\$102,952

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.4	Transfer to Capital (A-H)	\$102,952
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INCREASE CAPITAL PROJECT APPROPRIATION:

H.3410.614.4	Contractual – Emergency Services Center	\$102,952
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.614.R503.1000	Interfund Transfer	\$102,952
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Signed: Runkle, Beightol, Richmond, Huckno, Nazzaro, Gould, Cornell, DeJoe

Unanimously Adopted – August 26, 2009

RES. NO. 156-09
Appropriate NYS Homeland Security Program Funds

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

WHEREAS, the Office of Emergency Services was awarded Federal funds in the amount of \$207,750 for a multi-year Homeland Security Program running from September 1, 2008 through August 31, 2011; and

WHEREAS, Resolution 108-09 authorized the acceptance of this grant; and

WHEREAS, it has been determined by the Office of Emergency Services that two specific purchases appropriate for this funding are necessary for the operation of this program; and

WHEREAS, one item is an Incident Command System computer software program which is a web-based system that will be available to all County Fire Departments and special teams such as Haz-Mat, WET, Technical Rescue, and Sheriff teams as a method of response verification and staffing levels; and

WHEREAS, the other is a Chemical, Biological, Radiological, Nuclear response unit to assist with communications, transport, and moving of response trailers; therefore it be

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.3	Depreciable Equipment – Emergency Services	\$24,000
A.3010.----.4	Contractual – Emergency Services	<u>41,000</u>
		\$65,000

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$65,000
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Signed: Runkle, Beightol, Richmond, Huckno, DeJoe, Nazzaro, Gould, Cornell

Unanimously Adopted – August 26, 2009

RES. NO. 157-09
Authorize Acceptance of Aid to Prosecution Funds 2009-2010

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$47,100.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2009 through March 31, 2010; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Runkle, Huckno, Richmond, Beightol, DeJoe, Nazzaro, Gould, Cornell

Unanimously Adopted – August 26, 2009

RES. NO. 158-09
Authorize Acceptance of Operation Impact Funds 2009-2010

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

WHEREAS, the office of the District Attorney has successfully applied for and received a grant from the New York State Division of Criminal Justice Services in the amount of \$264,161.00 for the Operation IMPACT Partnership Program for the term from July 1, 2009 to June 30, 2010; and

WHEREAS, the IMPACT V grant is a multi-agency award funded to reduce violent crimes in the primary IMPACT jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the County of Chautauqua will be required to share a portion of the grant funds with the City of Jamestown to the extent of \$100,741.00 in support of its Police Department to reduce violent crime through intelligence-led enforcement strategies; and

WHEREAS, the office of the District Attorney (\$91,500.00), the office of the Chautauqua County Sheriff (\$62,920.00), and the office of Probation (\$9,000.00) will share the balance of such funds; therefore be it

RESOLVED, That the County of Chautauqua accepts such grant and authorizes the County Executive to execute the Impact V Grant contract with the New York State Division of Criminal Justice Services in the amount of \$264,161.00 for the term from July 1, 2009 to June 30, 2010; and be it further

RESOLVED, That the County Executive is hereby authorized to execute an appropriate agreement with the City of Jamestown consistent with the grant requirements and project goals.

Signed: Runkle, Beightol, Richmond, Huckno, DeJoe, Nazzaro, Gould, Cornell

Unanimously Adopted – August 26, 2009

RES. NO. 159-09

Authorize Municipal Cooperation Agreement with Cattaraugus County for Medi-Vac Helicopter Service

By Public Safety and Audit & Control Committees:

At the Request County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua through its Office of the Sheriff and jointly with WCA Services and Starflight, Inc., operates an emergency medi-vac helicopter service for the transfer of critically ill or injured patients in a setting that allows a medical team during the flight to deal with the medical needs of severe trauma or illness; and

WHEREAS, Cattaraugus County desires to continue to obtain medi-vac helicopter service throughout Cattaraugus County and its environs during 2009 and will contribute the sum of \$9,000.00 for such services; and

WHEREAS, it is appropriate and beneficial to enter into a municipal cooperation agreement with Cattaraugus County to provide such medi-vac helicopter service; therefore be it

RESOLVED, That the County Executive is authorized to enter into a municipal cooperation agreement with Cattaraugus County in order to continue to provide Medi-Vac Helicopter Service for the current year upon the same terms.

Signed: Runkle, Beightol, Richmond, Huckno, Cornell, DeJoe, Nazzaro, Gould

Adopted w/ Legislators Cafilisch & Wilder voting "no" – August 26, 2009

RES. NO. 160-09

Authorize Execution of the New York State Office of Homeland Security Funding Grant Agreement – SLETPP

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security Program Grant for State Law Enforcement Terrorist Prevention Program; and

WHEREAS, the State of New York will provide funding in the amount of \$69,250 for the initial contract period from September 1, 2008 to August 31, 2011 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$69,250 with no local share; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.4 Contractual - Sheriff Operations \$69,250

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9LTP Federal Aid – Terrorism Prevention \$69,250

Signed: Runkle, Beightol, Richmond, Huckno, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – August 26, 2009

RES. NO. 161-09

Extend Tower Lease Agreement with National Oceanic and Atmospheric Administration (NOAA)

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

WHEREAS, the County Sheriff has an existing agreement with the National Oceanic and Atmospheric Administration (NOAA) for the purpose of leasing tower space for equipment of the National Weather Service on the Oak Hill tower; and

WHEREAS, the County Sheriff has continued space available on the Oak Hill tower and a tentative agreement has been established for the continuation of lease space by the NOAA; and

WHEREAS, the County Sheriff has negotiated a lease price of \$831.59 per month for the term of 1/1/09 to 12/31/09; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to extend the lease agreement with the NOAA for tower space as set forth above.

Signed: Runkle, Beightol, Richmond, Huckno, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – August 26, 2009

RES. NO. 162-09

Authorize 2009 Budget Adjustment – Sheriff's Office Pistol Permit

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

WHEREAS, the Chautauqua County Sheriff's Pistol Permit Office has seen a dramatic increase in the applicants for pistol permits within this County; and

WHEREAS, the Sheriff needs to provide additional funding in the NYS DCJS escrow account to allow for the processing of fingerprints for these applicants; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3110.3114.4	Contractual – Operating Supplies	\$60,000
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INCREASE REVENUE ACCOUNT:

A.3110.3114.R254.5000	Licenses	\$60,000
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Signed: Runkle, Beightol, Richmond, Huckno, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – August 26, 2009

RES. NO. 163-09

Authorizing Agreement Between County of Chautauqua and Erie 2-Chautauqua-Cattaraugus BOCES for Health Assisting Training

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

WHEREAS, Erie 2-Chautauqua-Cattaraugus BOCES, as part of its Aide Training Class Program, desires to continue to utilize the facilities of the Chautauqua County Home for student training; and

WHEREAS, such program provides a venue for their practical experience without any direct cost to the County; and

WHEREAS, such work experience program conducted at the County Home has proven beneficial to the County in the past; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements between the County of Chautauqua and the Erie 2-Chautauqua-Cattaraugus Board of Cooperative Education BOCES for the Health Assisting Training Program.

Signed: Lemon, James, Mueller, Stutzman

Unanimously Adopted – August 26, 2009

RES. NO. 164-09

Adjust Capital Project Accounts – Edgewood Warehouse

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

WHEREAS, Chautauqua County is committed to the redevelopment of three former Brownfield properties on South Roberts Road in the City of Dunkirk; and

WHEREAS, per resolution 54-07, the County applied for and was awarded a \$132,356 State Assistance Contract from the New York State Department of Environmental Conservation

(NYSDEC) under the 1996 Clean Water/Clean Air Bond Act's Environmental Restoration Program to investigate environmental conditions at the former Edgewood Warehouse which is one of these three properties along with the former Roblin Steel and the former ALUMAX sites; and

WHEREAS, additional funds in the amount of \$26,000 are needed to complete the investigation; and

WHEREAS, NYSDEC has committed to paying 90% (\$23,400) of these costs; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an amendment to the aforementioned State Assistance Contract with NYSDEC increasing the maximum amount of State assistance under the contract by \$23,400 to \$155,756; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE CAPITAL PROJECT ACCOUNT:

H.6420.673.4	Contractual -	Edgewood Warehouse	\$26,000.00
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INCREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.6420.673.R309.7000	State Aid: Environmental Restoration		\$23,400.00
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DECREASE CAPITAL PROJECT APPROPRIATION ACCOUNT:

H.6420.540.4	Contractual - Scattered Site Development		\$ 2,600.00
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Signed: James, Croscut, Cornell, DeJoe, Nazzaro, Richmond, Heenan, Gould, Kindberg

Unanimously Adopted – August 26, 2009

RES. NO. 165-09

Authorize Grant Application and Subsequent Agreements for the Creation, Preservation, and Maintenance of Snowmobile Trails

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

WHEREAS, Chautauqua County strongly supports the snowmobile industry as both an economic development tool and quality of life enhancement for Chautauqua County residents and recognizes the significant economic impact from the snowmobile industry; both in tourism and in local small business employment; and

WHEREAS, grant funding from snowmobile registrations is available from the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for the creation, preservation and maintenance of snowmobile trails; and

WHEREAS, NYSOPRHP encourages counties to coordinate and sponsor snowmobile trail programs within their jurisdiction; and

WHEREAS, the Chautauqua County Federation of Snowmobile Clubs (Federation) has requested that Chautauqua County sponsor a single snowmobile trail program incorporating all the trails funded by NYSOPRHP, submit grant applications for NYSOPRHP funding and act as a pass-through agency for the funding; and

WHEREAS, the County intends to enter into an agreement with the individual participating snowmobile clubs represented by the Federation to administer the program, the development of documents required of participants in the program by NYSOPRHP and the performance of other administrative duties consistent with the program, including an administrative fee of \$30.00 per hour up to a maximum of \$1,500.00; and

WHEREAS, the Federation agrees to hold the County harmless in this program; therefore be it

RESOLVED, That Chautauqua County shall sponsor the NYSOPRHP-funded snowmobile trail system within Chautauqua County; and be it further

RESOLVED, That the County Executive hereby is authorized and directed to submit any necessary applications for funding and to enter into agreements with NYSOPRHP, the Federation and the individual participating clubs to implement the snowmobile trail program in Chautauqua County.

Signed: James, Croscut, Cornell, DeJoe, Nazzaro, Heenan, Richmond, Gould, Kindberg

Unanimously Adopted – August 26, 2009

RES. NO. 166-09

Amend Resolution 118-08 Regarding Guidelines for the Allocation of the Original 3% Occupancy Tax Revenue

By Planning & Economic Development Committee:
At the Request of Legislators Kindberg and Croscut:

WHEREAS, Resolution 118-08 established guidelines for allocation of the original 3% occupancy tax revenues; and

WHEREAS, it would be appropriate to amend Resolution 118-08 to provide that a portion of the annual 20% allocation for tourism promotion grants be held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; therefore be it

RESOLVED, That Section 5 of Resolution 118-08 is hereby amended as follows with additions underlined:

5. 20% of the occupancy tax budgeted shall be utilized to support the development of attractions and events that help develop Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County. The following method shall be utilized to determine how 80% of the 20% is distributed annually:
 - a. Up to a seven (7) member tourism panel made up of representatives from the following organizations shall make funding recommendations to the Legislative Planning and Economic Development Committee for projects and organizations that submit for the 20% portion of the occupancy tax: CCVB (Director of CCVB and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.

- b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. The Tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
- c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee.

The remaining 20% of the 20% shall be held in a contingency account, and the Tourism Panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: James, Heenan, Kindberg, Croscut

Adopted w/ Legislators DeJoe, Duff, Hallquist, Keefe, Wilder, Ahlstrom voting "no" – August 26, 2009

RES. NO. 167-09

Adoption of Waterways Panel 2010 Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Heenan, Kindberg, and Croscut:

WHEREAS, the Chautauqua County Legislature established by Resolution 174-08 a means to distribute the Occupancy Tax derived from such tax over three-fifths (2% tax), which by law is to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, Resolution 174-08 provided that 15% of the 2% tax generated shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator," and further assigned lump sums to the four lake associations for maintenance of the waterways through harvesting of aquatic vegetation; and

WHEREAS, Resolution 174-08 provided that the use of the remainder of the 2% tax would be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel would prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2010 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQR review of the following projects recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

Organization/Agency	Rank	Amount Requested	Amount Recomm.
Findley Lake Nature & Wildlife Education Center	1	\$ 14,000	\$ 14,000
Chautauqua Institution (CI)	2	\$ 21,250	\$ 21,250
Maple Springs Improvement Committee, Inc.	3	\$ 39,795	\$ 39,795
Chautauqua Lake Management Commission	4	\$ 20,000	\$ 20,000
Chautauqua County Soil & Water Conservation District	5	\$ 40,000	\$ 40,000
Chautauqua County Soil & Water Conservation District	6	\$ 20,000	\$ 20,000
Town of Busti & Village of Lakewood	7	\$ 40,000	\$ 40,000
Town of North Harmony	8	\$ 40,000	\$ 40,000
Town of North Harmony	9	\$ 36,350	\$ 36,350
McClenathan Mobile Home Park & Geothermal Homes LLC	10	\$ 38,200	\$ 38,200
Chautauqua Lake Management Commission	11	\$25,000	\$ 25,000
Great Lakes FX	12	\$ 1,500	\$ 1,500
Town of Ellicott	13	\$40,000	\$ 9,000
Totals		\$376,095	\$345,095

Signed: James, Cornell, Heenan, Richmond, Gould, DeJoe, Kindberg, Croscut, Nazzaro

MOVED by Legislator Keefe, SECONDED by Legislator Duff, to remove project #10, McClenathan Mobile Home Park & Geothermal Home LLC for \$38,200.

Carried w/ Legislators Duff, Gould, Richmond, Stutzman voting "no"

MOVED by Legislator Kindberg, SECONDED by Legislator Barmore to amend by fully funding project #13 with the removal of #10, in the amount of \$31,000 with the remaining balance of \$7,200. to be placed in reserves.

Carried w/ Legislators Duff, Keefe, Stutzman, Lemon, Heenan, DeJoe, Hallquist voting "no".

Adopted as amended – R/C Vote: 18 Yes; 6 No; 1 Absent – No's: Duff, Keefe, Stutzman, Heenan, Lemon, Hallquist voting "no" – August 26, 2009

RES. NO. 168-09
2010 Occupancy Tax Distribution to Various Organizations

By Planning & Economic Development and Audit & Control Committees:
At the Request of Legislators Heenan, Kindberg, and Croscut:

WHEREAS, the County of Chautauqua established an Occupancy Tax by Local Law 12-03 pursuant to Chapter 366 of the Laws of 1989 of the State of New York; and

WHEREAS, it is appropriate for the County to make plans for the use of the Occupancy Tax net proceeds; and

WHEREAS, the Occupancy Tax Tourism Panel, created by Resolution #118-08, has carefully reviewed and prioritized requests for Occupancy Tax funding in 2010 for the promotion of tourism and visitors; therefore be it

RESOLVED, That the following organizations be awarded the following amounts of Occupancy Tax funds in the 2010 County Budget:

Concord Grape Belt Heritage Plan & Discovery Center	\$14,080
Chautauqua Institution Public Television Program	\$13,888
Jamestown Skating Club Events	\$8,819
International Festival of Arts & Innovation	\$13,184
Horseback Riding Trailheads at Cockaigne	\$1,296
Chautauqua-Lake Erie Art Trail	\$5,146
Snowmobile Trail Marketing and Website	\$3,067
Snowmobile Event Weekends	\$941
Rails to Trails, Trailheads	\$9,901
Community Chambers, "Escape to Chautauqua" Event	\$12,160
Audubon Center "Art in the Woods" event	\$3,008
Lily Dale—Heal Spirit, Heal Earth Event	\$2,400
Peek'n Peak Series of Events	\$11,936
International Humanitarian Law Dialogs	\$4,440
Babe Ruth World Series Championships, 2011	\$2,896
Light the Lakes Event	\$11,552
	\$118,713

Signed: Heenan, James, Kindberg, Croscut,

Gould, Cornel, DeJoe, Nazzaro, Richmond

MOVED by Legislator DeJoe, SECONDED by Legislator Duff to remove Peek N Peak Series of Events for \$11,936 and fund the Festival Fredonia Series of Events for \$4,942 with the remaining to the reserve account. Carried w/ Legislators Mueller and Nazzaro voting "no".

Adopted as amended w/ Legislators Stutzman, Lemon, Hallquist, Ahlstrom voting "no" - August 26, 2009

RES. NO. 169-09
Additional 2009 Occupancy Tax Allocation – Dunkirk Light the Lakes

By Planning & Economic Development and Audit & Control Committees:
At the Request of Chairman Ahlstrom and Legislator Heenan and Duff:

WHEREAS, Light the Lakes, an inner-county lake spectacle that began with organizers in Bemus Point that lights the Chautauqua Sky in one of the largest fireworks display in North America, and can be seen from space, is scheduled to be held over Labor Day weekend on Chautauqua Lake with the big "take-off" on Sunday, September 6, 2009; and

WHEREAS, the City of Dunkirk would like to participate in bringing this grand display of fireworks to the shores of Lake Erie, a major tourist corridor in Chautauqua County that attracts

visitors from bordering counties and states throughout the summer season, culminating with Labor Day weekend; and

WHEREAS, in becoming part of the county-wide Light the Lakes extravaganza, the City of Dunkirk and surrounding towns also join in extending the stays of visitors to the County for an extra day and night, exhibiting a sense of county-wide cooperation and coordination while injecting additional revenue into the local economy; and

WHEREAS, the funds requested from the occupancy tax reserve will be used to expand the event, emphasizing participation in all parts of the County and will include musical performances, vendors and other recreational activities as well as the fireworks presentation; and

WHEREAS, the City of Dunkirk has budgeted \$25,000 to offset the overall costs of the event of approximately \$45,000 but due to the current climate of the local economy has been unable to raise the additional funds needed for a successful 2009 event; therefore be it

RESOLVED, That Dunkirk Light the Lakes shall be allocated the sum of \$4,000 from the Chautauqua County Occupancy Tax reserve pending their participation in the Chautauqua Light the Lakes at the level of \$9,000.

Heenan, James, Kindberg, Croscut, Cornell, DeJoe, Nazzaro, Richmond, Gould

WITHDRAWN – August 26, 2009

RES. NO. 170-09

Requesting State Legislature to Authorize County Sales Tax Swap for Local Medicaid Costs in Chautauqua County

By Human Services and Audit & Control Committees:
At the Request of Legislator Mueller:

WHEREAS, most Medicaid cost responsibilities rest on the individual states and the Federal government, except for a few states including New York State; and

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

WHEREAS, in Chautauqua County the funding of medical care for the poor with local property taxes is a significant form of regressive taxation; and

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

WHEREAS, Chautauqua County total sales tax revenues are dependent on the economy and the local sales tax rates approved by New York State, and the County has sustained significant reductions in sales tax revenues in 2008-10 that will be further exacerbated by a sales tax rate reduction from 7.75% to 7.5% in late 2010; and

WHEREAS, Chautauqua County residents face local Medicaid costs that will outpace total estimated county sales tax revenues for at least the next ten years forcing the county to raise or

maintain high property taxes and reduce necessary services to meet this excessive unfunded mandate; and

WHEREAS, the people of Chautauqua County demand property tax relief and the Chautauqua County Legislature believes Medicaid should be funded by states and the Federal government; and

WHEREAS, if Chautauqua County transferred its entire local share of sales tax revenue to New York State in exchange for the State assuming the entire local cost of Medicaid, property taxes would be reduced for Chautauqua County residents in 2010 and could hopefully prevent significant future property tax increases by removing the largest unfunded mandate facing the County budget while at the same time placing more local responsibility for property tax rates on the County government since sales tax would no longer be a major revenue source; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby requests the State Legislature to authorize the County of Chautauqua the option of transferring its entire current share of local sales tax revenues to the State of New York (50% county share of 3% local sales tax, 80% county share of .75% local additional sales tax through 11/30/10, 70% county share of .50% local additional sales tax through 11/30/11, and applicable county share of local additional sales tax thereafter) in exchange for the State of New York assuming all local costs of Medicaid with it intended that all other local municipalities in Chautauqua County that share in local sales tax be held harmless in such legislation. The current elimination of sales tax on clothing purchases under \$110 and residential energy (home heating) will remain in effect.

Signed: James, Mueller, Richmond, Stutzman, Cornell, DeJoe, Nazzaro, Gould (H.S.-Lemon "no")

MOVED by Legislator Croscut, SECONDED by Legislator Caflich to amend by adding the words "not greater than 70% of a .50% local additional sales tax" after the words "and applicable county share of local additional sales tax thereafter." – Unanimously Carried

Adopted as amended w/ Legislator Hallquist and Lemon voting "no" – August 26, 2009

RES. NO. 171-09

Authorize Sale of Tax Delinquent Parcel in Village of Forestville

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards and Legislators Park and Duff:

WHEREAS, a .75 acre tax delinquent property in the Village of Forestville and Town of Hanover designated on the Chautauqua County Tax Map as Section 100.05, Block 2, Lots 25 and 26, and located at 45 Pearl Street, has been in a state of neglect for a substantial period of time; and

WHEREAS, at the request of the Administrative Services Committee, the County's Real Property Tax Director issued an RFP seeking proposals for purchase and re-development of the property; and

WHEREAS, a single purchase proposal was received that would bring the building up to code, clean up the debris on the premises, and restore the property to the tax rolls; therefore be it

RESOLVED, That the County Executive and County Real Property Tax Director are hereby authorized to sell the tax delinquent property at 45 Pearl Street in the Village of Forestville (tax parcels 100.05-2-25 and 100.05-2-26) to Sherman R. Bailey, 10983 Bennett State Road, Forestville,

New York , and execute all documents necessary to complete the conveyance on the following terms and conditions:

1. Purchase Price. \$150.00
2. Recording Charges and Taxes. Purchaser responsible for all recording charges and the 2009-10 Village and School Taxes.
3. Clean-Up of Property. Within nine (9) months from the date of transfer, the Purchaser shall be obligated to bring the property and its structures in compliance with all applicable local, state and federal codes and regulations, including removal of any demolition debris and other junk on the property.
4. Other. As negotiated by the County Executive.

Signed: Park, Wilder, Keefe, Caflich, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent – August 26, 2009

EMERG. RES. NO. 172-09
Quit Claim Deeds

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance, and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08, 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	TOWN	PARCEL ID NO.	PROPERTY LOCATION	PURCHASER	FORECLOSED OWNER	OFFER AMOUNT	TAXES OWING
QC 4148	Cherry Creek	063089-204.00-1-17	Kent Switch	Daniel E Brehm	Brehm Daniel E	\$ 2,676.35	\$ 2,676.35
QC 4153	Ellicott/F	063803-371.10-5-31	256 Lister	Judith K Bianco	Bianco Judith K	\$10,351.51	\$10,351.51
QC 4156	Ellington	064000-272.04-1-24	5575 N Rt 83	Russell Delahoy	Delahoy Russell	\$ 2,582.17	\$ 2,582.17
QC 4158	Hanover	064689-83.00-1-39	989 King	Mark D Hycner	Hycner Deborah	\$ 8,389.61	\$ 8,389.61
QC 4165	Portland/B	066001-144.16-2-34	82 Pullman	Charlie F Marshall	Marshall Charlie F	\$ 4,416.01	\$ 4,416.01
QC 4172	Westfield/W	067201-192.12-1-47	177 Portage	Ernest Reardon	Reardon Ernest	\$11,922.18	\$11,922.18

QC 4175	City of Dunkirk	060300-79.14-3-65	44 Second	Sonia Buchanan-Ruiz	Ruiz Sonia Buchanan	\$ 6,609.31	\$ 6,609.31
QC 4177	City of Dunkirk	060300-79.16-1-20	137 Nevins	Andrea Cooper	Strek Suzanne	\$10,744.78	\$10,744.78
QC 4181	Jamestown	060800-387.12-2-69	444 Allen	Richard H Welsh Jr	Welsh Richard H Jr	\$ 4,186.67	\$ 4,186.67
TOTALS:						\$61,878.59	\$61,878.59

Unanimously Adopted – R/ C Vote 24 Yes; 1 Absent - August 26, 2009

LOCAL LAW
INTRODUCTORY NO. 7-09
CHAUTAUQUA COUNTY

A LOCAL LAW RESTRICTING THE APPLICATION AND SALE OF
LAWN FERTILIZER WITHIN THE COUNTY OF CHAUTAUQUA

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

- §1. Definitions.
- §2. Regulation of the Use and Application of Lawn Fertilizer.
- §3. Exemptions.
- §4. Sale of Fertilizer Containing Phosphorus.
- §5. Public Education Campaign; Program Monitoring.
- §6. Enforcement and Penalties.
- §7. Reverse Preemption.
- §8. Separability.

§1. Definitions.

(1) "County" means the County of Chautauqua.

(2) "Commercial fertilizer" means "any substances containing one or more recognized plant nutrients which is used for its plant nutrient content, and which is designed for use or claimed to have value in promoting plant growth, except unmanipulated animal or vegetable manures, agricultural liming material, wood ashes, gypsum and other products exempted by regulation of the New York State Commissioner of Agriculture and Markets. Any biosolid-based product which is not subject to regulation as a 'commercial fertilizer' by the New York State Department of Agriculture and Markets is not subject to the provisions of this article."

(3) "Lawn fertilizer" means "a commercial fertilizer distributed primarily for non-farm use, such as lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries, and such other use as the commissioner may define by regulation. Lawn fertilizer does not include fertilizer products intended primarily for garden and indoor plant application."

(4) "Surface water" means "lakes, ponds, impounding reservoirs, perennial streams and springs, rivers, creeks, marshes, canals, and all other perennial bodies of surface water, natural or artificial, public or private, but shall not include artificial ponds."

§2. Regulation of the Use and Application of Lawn Fertilizer.

- (1) No person shall apply any lawn fertilizer within the County that is labeled as containing more than 0% phosphorus or other compound containing phosphorus, such as phosphate, except as provided in section 3.
- (2) No person shall apply lawn fertilizer between December 1st and April 1st.
- (3) No person shall apply lawn fertilizer to any impervious surface including parking lots, roadways, and sidewalks. If such application occurs, the fertilizer must be immediately contained and either legally applied to turf or placed in an appropriate container.
- (4) No person shall apply lawn fertilizer to any turf or lawn area on any real property within twenty (20) feet of any surface water, except that this restriction shall not apply where a continuous natural vegetative buffer, at least ten (10) feet wide, separates a turf or lawn area and surface water.

§3. Exemptions.

The prohibition against the use of lawn fertilizer under Section 2(1) and (4) shall not apply to:

- (1) Newly established turf or lawn areas during their first growing season.
- (2) Turf or lawn areas that soil tests confirm the need for additional phosphorus application. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount and rate of application recommended in the soil test evaluation.
- (3) Agricultural uses, vegetable and flower gardens, or application to trees or shrubs.

§4. Sale of Fertilizer Containing Phosphorus.

- (1) No person located and/or doing business within the County of Chautauqua shall sell or offer for sale any lawn fertilizer within the County that is labeled as containing more than 0% phosphorus, or other compound containing phosphorus, such as phosphate, except such fertilizer may be sold for use as provided in section 3.
- (2) No person located and/or doing business within the County of Chautauqua shall display for sale lawn fertilizer containing phosphorus. Signs may be posted advising customers that lawn fertilizer containing phosphorus is available upon request for uses permitted by section 3.
- (3) Any person located and/or doing business within the County of Chautauqua, which sells or offers for sale lawn fertilizer, shall be required, at the location where lawn fertilizers are sold, to post a sign, in the form provided by the Department of Health, containing the regulations set forth in this Article and explaining the effects of phosphorus and nitrogen on water quality and Chautauqua County waters.

§5. Public Education Campaign; Program Monitoring.

- (1) The County of Chautauqua shall undertake a multi-faceted public education campaign, including the creation of an interactive webpage, aimed at the reduction of non-point source pollution in Chautauqua County waterways. Such public education campaign will include the development of best management practices for lawn and garden care, as well as other strategies for the reduction of nutrient pollution caused by human activity, and shall specifically address the impacts of nitrogen and phosphorous on water quality in and around Chautauqua County. The education campaign shall be designed to include lawn care contractors who provide lawn fertilizing services.
- (2) The County Executive shall cause an evaluation of the effectiveness of the restrictions on fertilizers under this article to be undertaken and shall further cause an evaluation report to be provided to the County Legislature by December 31, 2015.

§6. Enforcement and Penalties.

For the first violation of the provisions of this Article or any rule or regulation adopted pursuant to this Article, a civil penalty not exceeding fifty dollars (\$50.00) shall be imposed. For the second and succeeding violations, a civil penalty not exceeding one hundred fifty

dollars (\$150.00) shall be imposed for each single violation. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard.

§7. Reverse preemption.

This chapter shall be null and void on the day that Federal or Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Chautauqua. The County Legislature may determine via mere resolution whether or not identical or substantially

similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

§8. Separability.

(1) If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(2) This Local Law shall take effect immediately, provided that subdivisions (2), (3) and (4) of Section 2, Section 3 and Section 6 shall take effect on the sixtieth (60th) day after enactment of this Local Law. Subdivision (3) of Section 4 shall take effect on the one hundred twentieth (120th) day after the enactment of this Local Law. Subdivision (1) of Section 2 and Subdivisions (1) and (2) of Section 4 shall take effect on January 1, 2011.

MOVED, by Legislator Runkle, SECONDED by Legislator Lemon to exclude green houses and nurseries from 1. Definitions-Subsection 3 and under Section 3. Exemptions, add greenhouses and nurseries after the words flower gardens

Amendment Carried w/ Legislator Stutzman voting "no"

Mailed: 8/14/09

Amended at Legislature: 8/26/09

Print 2 acted on: 9/23/09

Public Hearing: 10/13/09

Adopted as LL 5-09

R/C Vote: 14 Yes; 11 No (No's: Babbage, Barmore, Beightol, Cafilisch, Croscut, Gould, Huckno, Lemon, Park, Richmond, Runkle)

2nd Privilege of the Floor

Mr. Tim Bigham, I'm with the Farm Bureau. The last time I didn't give my address. I am in Franklinville, N.Y. I come to you to request support for what was Motion A, that didn't receive enough signatures. It's regarding the farm worker labor (*inaudible*) bill that has been presented in the State Legislature. Just a couple of facts regarding that. Number one, that bill would set forth many labor standards that are not required under Federal law or required of farmers in other States and thereby putting our farmers in New York State at a competitive disadvantage with those other farmers. Currently only three States offer agricultural workers over time pay. All three of those States have special considerations for agriculture and adapt accordingly. Hawaii is one of those States and exempts individuals from over time when engaged in coffee harvesting which is the biggest industry there. Maryland's overtime provisions do not apply to agriculture industry if during the proceeding year the employer used no more than 500 agricultural worker days and some other things. Wisconsin repealed its agricultural overtime law in 2003 realizing it was a bad idea. So those are the

fundamental things in the bill. There is also some things regarding unemployment insurance. Only California, Texas, and Rhode Island require a lower threshold than the Federal for agricultural workers. So New York has a \$20,000 threshold, same as the Federal level. So, to reduce that level, would also put us in a competitive disadvantage. So the main reason we come to you seeking your support is so that the farmers in Chautauqua County and the rest of New York State are in a competitive disadvantage with the other states in the nation.

Chairman Ahlstrom: Anyone else to address the 2nd privilege of the floor?

MOVED by Legislator Caflich, SECONDED by Legislator DeJoe the meeting was adjourned. (8:47 p.m.)

Regular Legislative Meeting
Wednesday, September 23, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

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

MOVED by Legislator Caffisch, SECONDED by Legislator Gould and duly carried, the minutes were approved. (8/26/09).

1st Privilege of the Floor

Chairman Ahlstrom and members of the County Legislature I am Lyle Hajdu, Chairman of the Chautauqua Lake Management Commission. While the Commission's responsibility is limited to the Chautauqua Lake Watershed our concerns are countywide. This Legislature is considering two items on the agenda that impact our lakes and waterways. One is the proposed ban on the sale of phosphorus in lawn fertilizers and the second is an amendment to the 2% waterways fund that would prohibit applications from purchasing land for conservation purposes. In response to these items, I am here tonight to deliver a single unified message. We are a collaborative partnership of nine member organizations working together with dozens of partners dedicated to the proper management of Chautauqua Lake and its watershed. We respect the passion and diverse opinions of all stakeholders and recognize that our best opportunity for success comes through a collaborative partnership of many. We understand that the substance of our recommendations must be based on good science, sound ecology, viable economics and broad community support. We also understand that it is equally important that we follow a process with a (*inaudible*) and fair opportunity for all interested stakeholders to view the proposals, to debate the issues and ultimately to shape the recommendations so they will be regarded as legitimate. We believe that the recommendations impacting the lake and watershed should originate from the Watershed management plan that this Legislature entrusted us to develop. In the next few months we will complete our core mission and deliver to this Legislature a Watershed Management Plan that will set forth many specific recommendations to properly manage Chautauqua Lake and its watershed. We respectfully recommend that this Legislature adopt only those recommendations that were borne of this important process. We also respectfully recommend that the pending legislation (*inaudible*) to the process and forthcoming recommendations that would be set forth under the Watershed Management Plan.

With regards to the proposed amendment to the 2% grant, we understand the legitimate concerns of public officials when property is removed from the tax rolls. However, we also know that land use is the single most important factor affecting the health of our watershed and land conservation, especially land that is performing in a central watershed function by retaining and filtering water is an important tool to properly manage our watershed. In the future, the CLMC or another group may recommend a specific project that includes acquiring a central land that is vital to protect the health of the watershed. If this happens, the Legislature alone decides whether to fund the project based upon a case by case review to ensure that it is compatible with the legislative objectives. We respectfully recommend that this Legislature continue to exercise its judgment as gate keeper of the 2% funds rather than locking the gate and precluding consideration of future projects that could viably improve water quality.

With regards to the proposed phosphate legislation. We know that Chautauqua Lake is impaired by an excessive inflow of phosphate that leads to an excess growth of aquatic plants and algae. This is a serious problem. We understand that the people are frustrated by the condition of the lake and demand immediate action. We recognize that banning the sale phosphates in lawn fertilizers may reduce or eliminate one source of the problem, however, we believe that this important issue is

best addressed through the process and forthcoming recommendations under the Watershed Management Plan. We may not have unanimity on the final proposal, but our recommendations will be the product of a fair and legitimate process. The one that this Legislature initiated when it created the CLMC. We respectfully request that the Legislature support our efforts in this regard.

I close with an African proverb. If you want to go quickly, go alone. If you want to go far, go together. We have miles to go before we sleep. We must go together. Thank you.

Chairman and members of the Legislature. I am Michael Sullivan, Mayor of the Village of Fredonia. There is some publicity covering what my topic might be this evening and I will modify it a little bit in light of some developments today. We have two resolutions on this evening. 174-09 and 175-09. The two items that have to do with the ability to maintain a Sheriff's Department in this County, whether it's communications or security in our individual communities that don't have their own police service. Right now, 60% of the operating funds for the road patrol, come from communities that have their own police force. Whether it's the City of Jamestown, City of Dunkirk, or the various villages like myself that maintain our own police departments. As long as we continue to operate the way we are, with grant monies that are available to fairly distribute that to the people who right now are paying the bill and providing their own police service. I hope that we can conduct such a meeting prior to the Sheriff's budget reaching the Legislature's meeting on reviewing this budget so that if there are changes that can be made immediately, or things that need to be handled long term, we can deal with them before you take your action on the budget. Whether it's enhanced police services, accepting grants for communications or just a day to day operation. We need to address those things, we need to have them part of the budget. I have been here now a couple of different times over the last two years with a similar message. I think that we're not at the brink of getting some action but we need to do that before you have addressed it and tell us again, we are too late. So, hopefully we can have that. I believe the meeting with the Sheriff's budget is October 7th and hopefully we can have a meeting prior to that. Thank you for your time.

I am Jacqueline Penfold-Williams and proud member of the Village of Fredonia and a member of the Board of Trustees of the Village of Fredonia. I am here to back my Mayor, to ask for your consideration for giving us some relief for our police. To ask you to consider in your budget to take money for our good. The good of our children, the good of our community and fund the Drug Task Force that you have said that we need, that our community needs funded so that we don't have to. We don't have the monies to do this as a small village but we recognize the need. Thank you.

My name is Dave Edwards. I live in Panama, New York and I am Vice President of Chautauqua County Farm Bureau. On your desks, I laid an invitation to our 2008 County Annual Dinner and I would like to personally invite each and every one of you to come attend. We have Farm Bureau members in every one of your districts and I would like to see you come out and support us. Thank you.

I'm John Burton the head of the New York State Lawn Care Association and I believe you have had a chance to read my communications in regards to this subject in trying to curtail the use of phosphates in lawn care fertilizers. Also, the recent communication that I sent out from one of our board members. He's a PhD from Yale and he's been studying this situation very closely from the analytical standards of physics and we hope that that might register in your minds, at least a question that we should go slow with this activity. My background by the way, under-graduate and graduate level is in agronomy and agricultural economics. I represent businesses in the area, hundreds of lawns that are being done so it is a vital concern to us. To put at rest here just a little bit, we have been undergoing for the last several years reduction in phosphorus in our fertilizers anyway. Probably more than half the fertilizers we now using on a contract basis do not have phosphorus in them. The

ones that we do use on more of an isolated case, what have you, are particular in the 5%, 3%, or possibly 8% where there is some seeding that is being done. The way to handle this is basically through best management practices. A couple of minor things as I conclude here. I want to bring up (*inaudible*), that's of concern to me is in the definition of the law itself. Is exempting the bio-solid based products. Many of these products are loaded to be honest with you, with phosphorus. This is a concern. Under control of Ag. & Markets in the State this is something relatively new from most folks who are interested in organic lawn care which is gaining a little more traction in the marketplace. So, there are some problems there and maybe you want to look at that as an example of our concern. The biggest thing that bothers me and people in science is simply this. We don't have or you don't have in passing judgment on this issue, data, reliable data to support the migration of phosphorus from the practice and fertilizers we're using into the water bodies. As a matter of fact, when this reached a very hot issue in the upper Midwest, Minnesota for example and also Wisconsin, they did ban it. It's been five years now and the studies that are being undertaken, it has had no effect of the phosphorus accumulations in the waterways there and more of that data is coming out. So, we might suggest to you a trial. An experimentation project you may be undertaking in this area with the use of maybe phosphorus at the lower levels. Controlled. Maybe through Extension Services in Cornell to evaluate over a year or so. In fact, do we have migration into the water bodies of phosphorus. Of course, I come from a bias position. I am not prejudice. Being bias means you have to look at both sides we'd hope and taken a position. All the analytical data that we have suggests was properly used phosphorus in the fertilizers there isn't any migration that has taken place. It sticks, it doesn't move and the assumption that if it is applied and then we have rain fall coming, it is going to move off. That can happen on the steep slopes where it was just applied and you have a lot of rain. But that is good management practice and somebody should be aware of that. So those are my comments and hopefully would go through a little bit of a delaying on this to get more information because the facts right now don't support initiating this kind of legislation. Thank you very much.

Mr. John Murphy with Chautauqua Home Rehabilitation Improvement Corporation. There is a resolution on your agenda tonight for the transfer of some properties. It's 191-09, Authorization of Tax Foreclosed Properties to CHIRC. We have some funding in anticipation of taking some vacant properties and repairing them. We began a process several weeks ago coming before the Administrative Services Committee asking them for particular properties. Based on an indication that they supported CHIRC receiving those properties, we proceeded to do all the necessary things through the process in order to secure those homes. One in particular in the City of Dunkirk, we wrote a grant to leverage additional dollars into the project which takes many, many hours. It is a complicated thing to do. Got all of our documentation in place, notified the State Division of Housing and Community Renewal because they had an interest in the property and I just found out that the City of Dunkirk now has the capacity to, under some agreement, to take that property. We did an awful lot of work, we followed the process and I would hope that CHIRC would be able to keep that property based on all the work that we've done and the process that we have followed.

Chairman Ahlstrom: Anyone else to address us under the first privilege of the floor?
Seeing none, we'll close the first privilege of the floor.

PRESENTATION:

2010 COUNTY BUDGET
COUNTY EXECUTIVE GREGORY J. EDWARDS

COMMUNICATIONS:

1. Letter – Co. Exec. – Re: Appt. Housing & Neighborhood Task Force
2. Report – Fn. Director Schulz – August 2009 Investment Results
3. Letter – V. of Fredonia – Re: Drug Task Force Funding

4. Quarterly Report – Small Business Development Center – 4/1/09-6/30/09
5. Res. Schoharie County – Re: Relief for Dairy Farmers – Milk Price
6. Letter – Doug Conroe – Re: Waterbody Impairments
7. Letter – John Knutson, PhD – Yale Univ. – Re: Phosphates
8. Letter – NYS Lawn Care Assn. – Re: Phosphate
9. Report – NYS Fish & Wildlife–Monthly Highlights 7/16-8/15/09
10. Minutes – NYS Fish & Wildlife Management Board – Sept. 2009
11. NYSAC – Ack. Receipt of Motion 8-09
12. NYS Assembly Giglio – Ack. Receipt of Motion 8-09
13. (2) NYS – Real Property Services – 2009 State Equalization Rates
14. Draft Minutes – Chaut. Co. Soil & Water Conserv. District – Aug. 2009
15. News Release – STW Regional Planning & Development Bd. – Sept./2009
16. Letters (14) – Supporting passage of Phosphorus LL
17. Letter – Dept. of Development/Jmst. – Re: Tax Sale -2 Windsor St./Jmst.
18. Res. – Allegany Co. Bd. Of Leg. – Re: Appalachian Develop. Highway System.

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 08/26/09

TABLED RESOLUTION 137-09 –Amending Resolution 171-08 Regarding RPTL Article 11 Tax Foreclosure (Tabled 7/29 & 8/26/09) - (See page 134 for text)

MOVED by Legislator Kindberg, SECONDED by Legislator Huckno to amend

Adopted as amended (See pg. 137 for amendments) - R/C Vote: 25 Yes - September 23, 2009

MOTION: (On file w/ 9/23/09 Leg. Data)

10-09 A Motion Reflecting the Sense of this Body that Chautauqua County's Ownership Interest in the Western Regional Off-Track Betting Corporation Must be Protected – Unanimously Adopted

RES. NO. 173-09

Confirm Appointment – Chautauqua County Housing and Neighborhood Revitalization Task Force

By Planning and Economic Development:

At the Request of County Executive Gregory J. Edwards:

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

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

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

Michael Bradshaw
(CODE Executive Director)
145 Pardee Avenue
Jamestown, N.Y. 14701
Term Expires: 7/31/11

(Replaces: Donald Bloomquist, Sr.)

Signed: James, Kindberg, Croscut

Unanimously Adopted – September 23, 2009

RES. NO. 174-09

Authorize Grant Agreement with U.S. Department of Homeland Security for Interoperable Emergency Communications Grant Program

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

WHEREAS, the Office of the Sheriff successfully applied for a grant from the U.S. Department of Homeland Security; and

WHEREAS, the Sheriff has been approved to receive \$ 398,900.00 from the Interoperable Emergency Communications Grant Program for the period from June 1, 2009 to May 31, 2011; and

WHEREAS, it is necessary for the County to enter into an agreement with the U.S. Department of Homeland Security in order to obtain these grant funds; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute a grant agreement to secure \$ 398,900.00 from the Interoperable Emergency Communications Grant Program with the U.S. Department of Homeland Security.

Signed: Runkle, Duff, Huckno, Beightol, DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 175-09

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

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

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of July 1, 2009 through September 30, 2009, for an estimated cost not to exceed \$4,500.00 based upon an hourly rate of \$22.66; therefore be

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

Signed: Runkle, Duff, Huckno, Beightol, DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 176-09

Authorize Agreements w/ Erie 2-Chautauqua-Cattaraugus BOCES, Cassadaga and Brocton Schools for Resource Officers

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

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Erie 2 – Chautauqua – Cattaraugus BOCES, Cassadaga and Brocton Central Schools and determined that these schools and the County would benefit by the continuation of School Resource Officers; and

WHEREAS, such school districts have agreed to compensate the County of Chautauqua for the cost providing a Deputy Sheriff; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; therefore be it

RESOLVED, That the County Executive be hereby authorized and empowered to execute and agreement with Erie 2 – Chautauqua – Cattaraugus BOCES, Cassadaga and Brocton Central Schools for a School Resource Officer based upon the terms and amounts set forth as negotiated by the Chautauqua County Sheriff.

Signed: Runkle, Duff, Huckno, Beightol

MOVED by Legislator Croscut, SECONDED by Wilder to TABLE – Unanimously Carried –
September 23, 2009

RES. NO. 177-09

Joint Funding Agreement with U.S. Department of Interior – Geological Survey

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

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has caused to have constructed a gauge station on Chautauqua Lake and gauge instrumentation on the Dow Street Bridge in the Village of Falconer (Res.537-73); and

WHEREAS, the operation and maintenance of these stations has been recognized by Chautauqua County as an integral part of not only a flood prevention program on the shores of Chautauqua Lake and within the Village of Falconer, but also as an integral part of a low flow program concerning the maintenance of the Chadakoin River system; and

WHEREAS, the County has budgeted to pay a portion of the operation and maintenance costs of said gage facilities and the United States Department of Interior has offered a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua with a local share in the amount of \$7,430.00; therefore be it

RESOLVED, That the County Executive be authorized to enter into said agreement with the U.S. Geological Survey for a sum not to exceed \$7,430.00 for the period from October 1, 2009 to September 30, 2010.

Signed: Park, Nazzaro, Beightol, Babbage, James, Kindberg, Croscut, DeJoe, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 178-09
CARTS – Section 5311 Annual Operating Assistance Grant Application

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

WHEREAS, the County of Chautauqua is submitting a request for a grant of funds to the New York State Department of Transportation, pursuant to Section 5311, Title 49 United States Code, for a project to provide public mass transportation service for open to the public transportation by Chautauqua Area Regional Transit System (CARTS) within Chautauqua County for the 2009 fiscal year in the amount of \$289,000 and for the 2010 fiscal year in the amount of \$293,200; and

WHEREAS, the County of Chautauqua and the State of New York have entered into a continuing agreement (State Contract No.C003655) which authorizes the undertaking of the Project and payment of the Federal Share; therefore be it

RESOLVED, That the County Executive is authorized to act on behalf of the County of Chautauqua to execute the application and any appropriate agreements to obtain the funds.

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 179-09
Participate in the Southern Tier West Regional Road Scoring and Data Collection Process for County Highway Departments

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

WHEREAS, the Southern Tier West Regional Planning & Development Board is administering a regional road scoring and data collection project that will assist County Highway Departments to expand technological capacity and create a more efficient road management program; and

WHEREAS, the Chautauqua County Department of Public Facilities feels that participation in a region-wide road scoring and GIS data collection program would be beneficial to its existing road management and scoring program, and will serve as a model to develop the region wide program; therefore be it

RESOLVED, That the Legislature hereby authorizes the County to participate in the regional road scoring and data collection project; and be it further

RESOLVED, That the County will provide an in-kind contribution that includes \$15,000 in staff time and the value (\$10,000) of the County established road scoring methodology and their knowledge of the system for a grand total of \$25,000.

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 180-09

Approving SEQRA Findings Statement for Final Grading Plan and Improvements at the Chautauqua County Landfill

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

WHEREAS, the Department of Public Facilities proposes to modify the final grading plan at the Chautauqua County Landfill to increase the final elevation and capacity of the existing landfill footprint and make other improvements; and

WHEREAS, the proposed changes will utilize the existing landfill footprint more efficiently, delay the use of additional land for disposal activities, reduce leachate generation, and help control landfill gas emissions and odors; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) performed an extensive technical review and has prepared draft permits; and

WHEREAS, the NYSDEC agreed to serve as State Environmental Quality Review Act (SEQRA) Lead Agency under Article 8 of the Environmental Conservation Law for this project; and

WHEREAS, the NYSDEC conducted public scoping and the County prepared a draft and final, Supplemental Environmental Impact Statement to carefully consider the potential environmental implications of undertaking these modifications; and

WHEREAS, each Involved Agency under SEQR, who funds, undertakes, or approves an action for which a Final Supplemental Environmental Impact Statement was completed, is required to independently prepare a written Findings Statement; therefore be it

RESOLVED, In consideration of the draft and final Environmental Impact Statement and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617.11, the Chautauqua County Legislature finds that:

1. The requirements of 6 NYCRR Part 617 have been met; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute the attached written Findings Statement reflecting the findings in this resolution on behalf of the County of Chautauqua.

Signed: Park, Nazzaro, Beightol, Babbage

Unanimously Adopted – September 23, 2009

RES. NO. 181-09

Amend Resolution 174-08 – 2009 Bed Tax Distribution – 2% Lakes and Waterways Funding

By Planning & Economic Development:
At the Request of Legislators Maria Kindberg and Fred Croscut:

WHEREAS, pursuant to Section 2.05(c) of the Chautauqua County Charter, the County Legislature is empowered to adopt general policy for County government; and

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 2 of Local Law 2-08 provides that the purpose of the adoption of the tax is to promote Chautauqua County in order to increase tourism and convention business in the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j(9) of the New York state Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (by the new 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua county pursuant to programs authorized by local law; and

WHEREAS, a budgetary process is necessary to allocate the limited resources generated by the revenues over three-fifths (by the new 2% tax) to ensure distribution to the highest priority projects related to the enhancement and protection of lakes and streams: therefore be it

RESOLVED, That the Chautauqua County legislature establishes the following policy guidelines for the allocation of occupancy tax revenue over three-fifths (by the new 2% tax) generated by Local Law 2-08:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by 15% of the occupancy tax for lakes and streams unless projected revenues do not adequately fund the position. In the case where 15% of the bed tax revenues are insufficient to cover the costs of the position, additional revenues from the 2% occupancy tax shall be utilized to fund the shortfall. All funds not utilized annually shall be returned to the reserve fund for lakes and streams.
2. Maintenance of the waterways through harvesting of aquatic vegetation shall be funded through the provision of funding to the following organizations:
 - a. Chautauqua Lake Association – \$45,000.00.
 - b. Findley Lake Association - \$5,000.00.
 - c. Cassadaga Lake Association – \$2,000.00.
 - d. Bear Lake Association - \$500.00.
3. The balance of the occupancy tax revenues generated over three-fifths (by the new 2% tax) shall be utilized to enhance and protect the lakes and streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:
 - a. A seven (7) member Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and stream protection and enhancement projects submitted to the Legislative Planning and Economic Development Committee annually. The

Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.

- b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. These parameters shall include that the purchase of any

property is not eligible as a project to be funded by the 2% Lakes and Waterways Bed Tax. The Waterways panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.

- c. All requests shall be initially ranked on a "Waterways Ranking Form" prior to final prioritization and recommendations by the Waterways Panel to the Legislative Committee.
- d. If during annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information surface that prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project.
If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and waterways.

Signed: James, Kindberg, Croscut

MOVED by Legislator Mueller, SECONDED by Legislator Runkle to TABLE – R/C Vote: 16 Yes; 9 No - No: Babbage, Barmore, Caffisch, Croscut, Gould, Kindberg, Lemon, Park, Richmond –

CARRIED – September 23, 2009

RES. NO. 182-09

Authorizing Chautauqua County Executive to Reapply for United States Environmental Protection Agency (USEPA) Coalition Assessment Grant

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards & Legislators David Wilder, James Caffisch, Larry Barmore and Douglas Richmond:

WHEREAS, Chautauqua County has an active Brownfield redevelopment program and wishes to continue the investigation and remediation of Brownfield sites which are defined as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land; and

WHEREAS, the United States Environmental Protection Agency is accepting another round of applications for a coalition assessment grant which will provide up to \$1 million for these site investigations; and

WHEREAS, the County scored within 3 points of being funded last year in a coalition application with the Village of Silver Creek, the Town of Ripley, the Village of Falconer and the Village of Westfield as the County's coalition partners, and has received comment from USEPA on how to refine the application; and

WHEREAS, Chautauqua County wishes to again pursue this grant and will serve as coalition lead agency; and

WHEREAS, the County will upfront the necessary funding and be reimbursed 100% by USEPA; therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to re-apply for this coalition assessment grant.

Signed: James, Kindberg, Croscut, DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 183-09

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Operation and Administration of the Economic Development Zone

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

WHEREAS, the City of Dunkirk, the Town of Dunkirk, and the Town of Sheridan have jointly formed an economic development zone known as the Dunkirk/Sheridan Empire Zone (EDZ); and

WHEREAS, the County of Chautauqua has appropriated necessary funds to provide the local share required for the administration expenses of the EDZ for the current fiscal year; and

WHEREAS, this Legislature has appropriated the sum of Twenty-eight Thousand Four Hundred Fifty-eight and 00/100 dollars (\$28,458.00) for this purpose; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency, individually and on behalf of the Dunkirk/Sheridan Empire Zone for the administration and operation of the Dunkirk/Sheridan Economic Development Zone for the current fiscal year.

Signed: James, Kindberg, Croscut, DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 184-09

Authorize Conveyance of an Environmental Easement to NYSDEC on and over the Former Roblin Steel Property in the City of Dunkirk

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

WHEREAS, the County of Chautauqua applied for a State Assistance Grant to develop and implement an Environmental Restoration Project with respect to the former Roblin Steel property pursuant to Resolution No. 121-01; and

WHEREAS, pursuant to Resolution No. 155-02 the County Legislature accepted the State assistance grant from the New York State Department of Environmental Conservation for project number B00173-9 and authorized the County Executive to execute a contract on behalf of the County; and

WHEREAS, the County entered into State Assistance Contract for such project and has appropriated the local share pursuant to the terms of the aforesaid resolution; and

WHEREAS, the project has progressed such that the County of Chautauqua is required pursuant to provisions of State Assistance Contract C302808, the Environmental Conservation Law and applicable regulations to grant an Environmental Easement to the New York State Department of Environmental Conservation; and

WHEREAS, the County desires to further facilitate the rehabilitation and redevelopment of the Roblin Steel properties for restricted uses by commercial and/or industrial businesses as well as promote and provide additional employment opportunities consistent with the Brownfields Remediation Program; therefore be it

RESOLVED, That this Legislature hereby approves the conveyance and placement of an Environmental Easement on the premises known as the former Roblin Steel property consisting of parcels known as 79.12-4-30 and 79.12-4-29, formerly known as 30-1-8 (including 10.1) and 30-1-7.2.2 according to the Chautauqua County Tax Map for the City of Dunkirk restricting the use of the premises for commercial or industrial use and as long as the engineered controls are required or employed pursuant to the State Assistance Contract C302808 and applicable law and regulations; and be it further

RESOLVED, That the County Executive is hereby authorized to execute and deliver the Environmental Easement in such form and any other documents necessary and incidental thereto or as may be approved by the Office of the County Attorney; and be it further

RESOLVED, That the actions contemplated by this Resolution constitute a "Type II" action under the New York State Environmental Quality Review Act ("SEQRA") and therefore no further action under SEQRA is required.

Signed: James, Kindberg, Croscut

Unanimously Adopted – September 23, 2009

RES. NO. 185-09

Designate Chautauqua County as Lead Agency Responsible for SEQRA Review of Snowmobile Trails S19 and S45 within the Towns of Charlotte and Mina

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

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 creation of snowmobile trail S19 starting east of Barnum Road and ending on Housington Road in the Town of Charlotte and snowmobile trail S45 parallel to Mina and Greenman Roads in the Town of Mina; and

WHEREAS, the State Environmental Quality Review Act (SEQRA) requires reroutes or expansions of the existing snowmobile 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 SEQRA process; therefore be it

RESOLVED, That Chautauqua County is hereby designated to act as the SEQRA Lead Agency and as such shall comply with all SEQRA requirements for the creation of snowmobile trails S19 and S45 as above described.

Signed: James, Kindberg, Croscut

Unanimously Adopted – September 23, 2009

RES. NO. 186-09

Environmental Assessment for Creation of Chautauqua County Snowmobile Trail S19 within the Town of Charlotte

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County, as the declared lead agency, must evaluate the environmental impact of creating snowmobile trail S19 (within the Town of Charlotte); and

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

WHEREAS, this Legislature has reviewed the EAF and considered related facts and circumstances; therefore be it

RESOLVED, That Chautauqua County, as lead agency, has determined that snowmobile trail S19 within the Town of Charlotte will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: James, Kindberg, Croscut

Unanimously Adopted – September 23, 2009

RES. NO. 187-09

Environmental Assessment for Creation of Chautauqua County Snowmobile Trail S45 within the Town of Mina

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

WHEREAS, pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the County, as the declared lead agency, must evaluate the environmental impact of creating snowmobile trail S45 within the Town of Mina; and

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

WHEREAS, this Legislature has reviewed the EAF and considered the related facts and circumstances; therefore be it

RESOLVED, That the Chautauqua County, as lead agency, has determined that snowmobile trail S45 within the Town of Mina will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: James, Kindberg, Croscut

Unanimously Adopted – September 23, 2009

RES. NO. 188-09

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2010 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of Chautauqua County Legislature and its Chairman

By Audit & Control Committees:
At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2010 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 28, 2009 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 2010 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: DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – September 23, 2009

RES. NO. 189-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 171-08; 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.

<u>OFFER NUMBER</u>			<u>MUNIC</u>	<u>S/B/L</u>	<u>PROPERTY LOCATION</u>	<u>PURCHASER</u>	<u>OFFER AMT</u>	<u>TAXES OWING</u>
QC	4202	-2009	Jmstn.	387.08-9-66	Allen	Neil F Burke	\$ 960.68	\$ 960.68
QC	4203	-2009	Westfield	259.00-2-18	8584 Pigeon	Gene A Lyon & Pamela A Lyon	\$ 3,677.34	\$ 3,677.34
QC	4204	-2009	Ellington	271.00-1-68	1001 Bentley Hill	Peter A. Zakriski Jr.	\$ 18,527.83	\$ 18,527.83
QC	4205	-2009	Carroll	423.06-2-63	12 Howard	Virginia Seehausen & Herman G. Seehausen	\$ 9,449.40	\$ 9,449.40

QC	4206	-2009	Villanova	186.00-1-11	Aldrich Hill	Thomas A. Mierzwa Jr. & Kathy Mierzwa	\$ 6,867.17	\$ 6,867.17
QC	4207	-2009	Villanova	186.00-2-25	Route 83	Thomas A. Mierzwa Jr. & Kathy Mierzwa	\$ 4,282.42	\$ 4,282.42
QC	4208	-2009	Jmstn.	387.05-5-16	226-30 Fairmount	Vangel Verleni	\$ 10,976.45	\$ 10,976.45
QC	4129	-2009	T/Dnk.	95.03-1-12	4869 Rt 5	West T/Dnk. Land Co LLC	\$171,165.87	\$ 171,165.87
QC	2	-2009	C/Dnk.	79.08-3-5	Stegelski	Atwater Capital LLC	\$ 2,540.05	\$ 2,540.05
QC	3	-2009	C/Dnk.	79.08-3-7	Stegelski	Atwater Capital LLC	\$ 2,021.71	\$ 2,021.71
QC	6	-2009	C/Dnk.	79.08-5-59	34 Martin	Michael D Budniewski	\$ 13,089.03	\$ 13,089.03
QC	14	-2009	C/Dnk.	79.12-1-4	39 Pangolin	Richard Glowniak & Jean A. Glowniak	\$ 24,560.16	\$ 24,560.16
QC	28	-2009	C/Dnk.	79.18-4-75	703 Eagle	Michael D Budniewski	\$ 13,080.08	\$ 13,080.08
QC	31	-2009	C/Dnk.	79.19-3-30	142 Lincoln	Angela P. Hopkins Revocable Living Trust	\$ 11,133.27	\$ 11,133.27
QC	62	-2009	Jmstn.	371.17-1-15	1028 Allen	Richard J. Fusco	\$ 3,619.17	\$ 3,619.17
QC	80	-2009	Jmstn.	387.06-6-17	11 W 9th	Cindy K Munday	\$ 2,554.56	\$ 2,554.56
QC	109	-2009	Jmstn.	387.12-3-73	172 Barrows	Rick Martin	\$ 4,053.93	\$ 4,053.93
QC	118	-2009	Jmstn.	387.14-7-30	110 McKinley	Vangel J. Verleni	\$ 5,566.69	\$ 5,566.69
QC	121	-2009	Jmstn.	387.14-9-38	209.5 Forest	Vangel J. Verleni	\$ 6,083.19	\$ 6,083.19
QC	124	-2009	Jmstn.	387.17-1-60	110 Pennsylvania	Linda Darling & Peter Caprino	\$ 1,519.67	\$ 1,519.67
QC	125	-2009	Jmstn.	387.18-4-16	214 Barrett	Vincent Donisi	\$ 14,005.85	\$ 14,005.85
QC	184	-2009	Busti/Lkwld	368.20-2-51	5 Glenwood	Eugene D. Cotter	\$ 15,052.94	\$ 15,052.94
QC	185	-2009	Busti/Lkwld	385.08-1-52	Oakland	Federal National Mortgage Assn.	\$ 1,031.20	1,031.20
QC	186	-2009	Busti/Lkwld	385.08-1-53	Oakland	Federal National Mortgage Assn.	\$ 1,031.20	\$ 1,031.20

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QC	187	-2009	Busti/Lkwd	385.08-1-54	Oakland	Federal National Mortgage Assn.	\$ 1,031.20	\$ 1,031.20
QC	188	-2009	Busti/Lkwd	385.08-1-63	Southland	Federal National Mortgage Assn.	\$ 1,031.20	\$ 1,031.20
QC	189	-2009	Busti/Lkwd	385.08-1-64	Southland	Federal National Mortgage Assn.	\$ 1,031.20	\$ 1,031.20
QC	201	-2009	Carroll	440.00-2-34	Warren	Edward Waid	\$ 4,323.72	\$ 4,323.72
QC	202	-2009	Carroll	440.00-2-66	Warren	Edward Waid	\$ 1,826.75	\$ 1,826.75
QC	211	-2009	Chaut.	228.00-1-16	Parker	Robin J. Wilcox	\$ 1,263.48	\$ 1,263.48
QC	222	-2009	T/Dnk.	80.01-1-55	Rt 5	Atwater Capital LLC	\$ 203,408.88	\$ 203,408.88
QC	224	-2009	T/Dnk.	96.04-1-30.1	Vineyard	Pyhd1 Inc.	\$ 50,652.79	\$ 50,652.79
QC	240	-2009	Ellicott	369.07-1-37	Ivystone	Joyce C. Joneson	\$ 2,550.15	\$ 2,550.15
QC	256	-2009	Ellington	288.18-2-22	4929 South Hill	Estate of Donna L. Swanson	\$ 7,215.47	\$ 7,215.47
QC	275	-2009	N. Harmony	350.13-2-34	Cheney	Kevin R. Hanlon	\$ 551.44	\$ 551.44
QC	283	-2009	Pomfret/Fred	113.19-1-63	40 Spring	Larry R. Bell	\$ 2,505.03	\$ 2,505.03
QC	284	-2009	Pomfret/Fred	113.19-4-39	George's	Larry R. Bell	\$ 444.02	\$ 444.02
QC	293	-2009	Portland/Broc	145.17-1-11	58 Lake	Stacy Stalter	\$ 6,424.69	\$ 6,424.69
QC	294	-2009	Portland/Broc	145.17-3-1	9 E Main	Edward H. Wood	\$ 20,767.90	\$ 20,767.90
QC	295	-2009	Portland	111.15-1-32	10162 Patterson	Alan K. Fritzinger	\$ 5,085.96	\$ 5,085.96
QC	296	-2009	Portland	111.15-1-33	Patterson	Alan K. Fritzinger	\$ 515.10	\$ 515.10
QC	297	-2009	Portland	111.15-1-7	Patterson	Alan K. Fritzinger	\$ 515.10	\$ 515.10
QC	298	-2009	Portland	111.15-1-8	Patterson	Alan K. Fritzinger	\$ 515.10	\$ 515.10
QC	326	-2009	Ripley	273.00-1-1	Miller	Estate of Julia Bostwick	\$ 5,906.46	\$ 5,906.46

QC	327	-2009	Ripley	35-2-8.3	94 1/2 S State St	Mollie Lou Straight	\$ 1,434.42	\$ 1,434.42
QC	332	-2009	Sheridan	81.00-2-7	3072 Rt 20	Allan S Cook	\$ 27,081.68	\$ 27,081.68
QC	340	-2009	Sherman	328.08-1-11	Rt 430	Russell A. Weise, Jr. & Kay P. Weise	\$ 2,107.94	\$ 2,107.94
QC	344	-2009	Stockton	199.00-1-38	7013 Rt 60	Betty M Wielgasz	\$ 27,174.29	\$ 27,174.29
QC	354	-2009	Villanova	186.00-2-24	Rt 83	Thomas A. Mierzwa, Jr. & Kathy Mierzwa	\$ 12,372.64	\$ 12,372.64
QC	367	-2009	Carroll	423.06-2-28	3 Meadow	Randall C. Beckstrom & Bethany A. Beckstrom	\$ 17,117.29	\$ 17,117.29
TOTALS							751,703.76	\$ 751,703.76

AMENDED SCHEDULE 3 - REACQUISITION CONTRACTS						
OFFER NUMBER	TOWN	S/B/L	PROPERTY LOCATION	PURCHASER	OFFER AMOUNT	TAXES OWING
QC 4151-09	Ellicott/C	369.15-2-37	20 East	Patricia K Smith	\$ 8,276.78	\$ 8,276.78
QC 4152-09	Ellicott/C	369.19-3-1	67 Conewango	Frank S Pinzone	\$ 10,806.96	\$ 10,806.96
QC 4155-09	Ellicott	388.06-2-73	2248 Willard St	Patricia A Palmer	\$ 24,748.85	\$ 24,748.85
QC 4159-09	N. Harmony	332.00-2-5	5499 Stow	Susan L Sleboda	\$ 9,238.68	\$ 9,238.68
QC 4160-09	N. Harmony	382.00-1-20	2377 Open Meadows	Thomas K Donnell	\$ 1,577.64	\$ 1,577.64
QC 4162-09	Pomfret/F	113.11-3-27	169 Main	Richard A Pchelka	\$ 25,916.50	\$ 25,916.50
QC 4163-09	Pomfret/F	113.18-3-61	37 Houghton	Rustie Mae White	\$ 8,214.64	\$ 8,214.64
QC 4164-09	Pomfret	128.00-2-41	9504 Lambertson	Donald E Whitaker	\$ 7,196.56	\$ 7,196.56
QC 4166-09	Portland	111.19-1-8	9890 North Rd	Raymond Hemenger	\$ 60,161.70	\$ 60,161.70
QC 4169-09	Ripley	239.00-1-19	10550 W Main	Kenneth R Collins	\$ 18,357.05	\$ 18,357.05
QC 4170-09	Sherman/S	328.11-2-38	107 Prospect	David White	\$ 13,954.28	\$ 13,954.28
QC 4171-09	Stockton	197.00-1-19.2	4961 Rte 380 N	Rose Lee Kellogg	\$ 6,325.53	\$ 6,325.53
QC 4173-09	Westfield	192.10-1-18	7659 Gunclub Rd (Forest Park)	Donald W Hebner Jr	\$ 7,160.80	\$ 7,160.80
QC 4174-09	Westfield	192.10-1-19	Gunclub Rd (Forest Park)	Donald W Hebner Jr	\$ 853.68	\$ 853.68
QC 4176-09	C/Dnk.	79.14-9-51	321 Robin	Jeanette L Morgan	\$ 17,499.78	\$ 17,499.78
QC 4179-09	Jmstn.	370.19-1-14	17 Hillside Terr	Vicki Lynn Wilson	\$ 4,320.95	\$ 4,320.95
QC 4180-09	Jmstn.	387.06-6-5	830 Cherry	Wayne D Dean	\$ 6,348.79	\$ 6,348.79

QC 4182-09	Jmstn.	387.14-5-12	162 Mckinley	Nichole L Osman	\$ 14,839.51	\$ 14,839.51
QC 4183-09	Jmstn.	387.32-2-51	9 Cleveland	Richard McGuay Sr	\$ 2,746.76	\$ 2,746.76
TOTALS:					\$248,545.44	\$248,545.44

Signed: Keefe, Wilder, Huckno, Cafilisch, Barmore

Unanimously Adopted – R/C Vote: 25 Yes – September 23, 2009

RES. NO. 190-09

Authorize Agreement with Brocton-Portland Development Corporation for Marketing of Former Welch Foods and Pleasant Acres Properties

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards and Legislator Tom DeJoe:

WHEREAS, the County acquired the former Welch Foods site located at 54 West Main Street in the Village of Brocton via tax foreclosure, and completed remediation on the property under the New York State Environmental Restoration Program (ERP); and

WHEREAS, pursuant to Resolution 197-07, the County Legislature previously approved the sale to Cliffstar Corporation of the small portion of the building on the property along with a parcel of land at the rear of the property, which allowed the County to market the remaining 2.24 acre parcel fronting on Main Street (Route 20) for commercial development; and

WHEREAS, while the remaining former Welch Foods property was listed with a realtor in 2007 and 2008, no satisfactory offers were received; and

WHEREAS, the 4.8 acre former Pleasant Acres mobile home park located on Route 20 in the Town of Portland is in the County's current tax foreclosure proceeding, and would otherwise be sold at the County's tax foreclosure auction unless the County Legislature approved a different marketing plan for the property; and

WHEREAS, the Brocton-Portland Development Corporation is a not-for-profit local development corporation which desires to have the former Welch Foods and Pleasant Acres properties returned to the tax rolls and developed for the best possible; and

WHEREAS, the Brocton-Portland Development Corporation has offered to market the properties on the County's behalf and recommend to the County potential offers for their purchase and redevelopment; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with the Brocton-Portland Development Corporation for the marketing of the former Welch Foods property (161.08-1-46.1) in the Village of Brocton and the former Pleasant Acres mobile home park property (161.02-1-40) in the Town of Portland for a period of up to two (2) years, with said Corporation to recommend to the County potential offers for the properties' purchase and redevelopment.

Signed: Cafilisch, Barmore, Huckno, Keefe, Wilder

Unanimously Adopted – September 23, 2009

RES. NO. 191-09
 Authorize Sale of Tax Foreclosure Properties to CHRIC

At the Request of County Executive Gregory J. Edwards, Legislators Keefe, Caffisch, Wilder, Huckno, Barmore, and Babbage:

WHEREAS, pursuant to Resolution 171-08, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) has received funding from public and private sources for the rehabilitation of distressed homes in the City of Jamestown and City of Dunkirk; and

WHEREAS, foreclosed tax parcels _____ in the City of Jamestown and _____ in the City of Dunkirk have been identified as appropriate candidates for rehabilitation; and

WHEREAS, CHRIC is proposing to purchase from the County each of the aforementioned tax parcels for the sum of \$5,000 with the condition that the Jamestown parcels be rehabilitated and sold to new private owner-occupants at a fair-market value that will support and/or raise the taxable value of housing in the neighborhood, and the further condition that the Dunkirk parcel be owned by CHRIC for at least 15 years as a rental property subject to a PILOT agreement for the parcel; and

WHEREAS, the new owner-occupants of the rehabilitated homes shall receive counseling as a condition of purchase through CHRIC's homeowner education program, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale or assignment of the County's property interest in tax parcels _____ for the sum of \$5000.00 each, subject to the terms and conditions set forth in this resolution, and be it further

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

Signed: Keefe, Caffisch, Wilder, Huckno, Barmore, Babbage

MOVED by Legislator Kindberg, SECOND by Legislator Croscut to amend by substitution.

WHEREAS, pursuant to Resolution 171-08, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) has received funding from public and private sources for the rehabilitation of distressed homes in the City of Jamestown; and

WHEREAS, foreclosed tax parcels 060800-387.26-2-11 and 060800-370.19-3-30 in the City of Jamestown have been identified as appropriate candidates for rehabilitation; and

WHEREAS, CHRIC is proposing to purchase from the County each of the aforementioned tax parcels for the sum of \$5,000 with the condition that the parcels be rehabilitated and sold to new

private owner-occupants at a fair-market value that will support and/or raise the taxable value of housing in the neighborhood; and

WHEREAS, the new owner-occupants of the rehabilitated homes shall receive counseling as a condition of purchase through CHRIC's homeowner education program, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale or assignment of the County's property interest in tax parcels 060800-387.26-2-11 and 060800-370.19-3-30 for the sum of \$5000.00 each, subject to the terms and conditions set forth in this resolution, and be it further

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

Unanimously Adopted – R/C Vote: 25 Yes – September 23, 2009

RES. NO. 192-09
Authorize Sale of Tax Delinquent Parcels in City of Jamestown

By Administrative Services and Audit & Control Committees:
At the Request of County Executive Gregory J. Edwards and Legislators Keefe, Cafilisch, Huckno, Wilder, and Barmore:

WHEREAS, tax delinquent property of the former Van Stee Corporation and Chautauqua Millwork, Inc. on Crescent Street and Cheney Street in the City of Jamestown is designated on the Chautauqua County Tax Map as Section 387.08, Block 2, Lots 24, 31, 32, and 33; and

WHEREAS, the old industrial building on the property is in a state of neglect and at the request of the Administrative Services Committee, the County's Real Property Tax Director issued an RFP seeking proposals for purchase and re-development of the property; and

WHEREAS, a single purchase proposal was received that would bring the building up to code, clean up the debris on the premises, and restore the property to the tax rolls; therefore be it

RESOLVED, That the County Executive and County Real Property Tax Director are hereby authorized to sell the aforementioned tax delinquent property to United Industries, Inc., 2005 Sunset Drive, Lakewood, New York, and execute all documents necessary to complete the conveyance on the following terms and conditions:

1. Purchase Price. \$1.00
2. Recording Charges and Taxes. Purchaser responsible for all recording charges and the 2009-10 School Taxes.
3. Clean-Up of Property. Within twelve (12) months from the date of transfer, the Purchaser shall be obligated to bring the property and its structures in compliance with all applicable local, state and federal codes and regulations, including removal of any demolition debris and other junk on the property.
4. Other. As negotiated by the County Executive.

Signed: Barmore, Cafilisch, Huckno, Keefe, Wilder, DeJoe, Nazzaro, Cornell, Gould

Unanimously Adopted – R/ C Vote: 25 Yes - September 23, 2009

RES. NO. 193-09

Authorize Transfer of Tax Foreclosure Property in the City of Jamestown
 At the Request of County Executive Gregory J. Edwards and Legislator Keefe, Caflich, Wilder,
 Huckno, Barmore, and Babbage:

WHEREAS, pursuant to Resolution 171-08, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the City of Jamestown has requested that the County convey to the City tax delinquent property at 2 Winsor Street (SBL # 387.12-1-19) in order to allow for the reconfiguration of the intersection of Allen Street, English Street, and Winsor Street that has presented a public safety hazard to vehicular and pedestrian traffic for many years; and

WHEREAS, the City will incur substantial expense in the demolition of the structure and the reconfiguration of the intersection and the City has therefore requested that the property be conveyed to it at no charge; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the sale or assignment of the County's property interest in tax parcel 387.12-1-19 to the City of Jamestown at no cost for the purpose of the City's demolition of the structure on the premises and the reconfiguration of the intersection to improve public safety; and be it further

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

Signed: Keefe, Wilder, Huckno, Caflich, Barmore, Babbage

Unanimously Adopted – R/ C Vote: 25 Yes - September 23, 2009

RES. NO. 194-09

Resolution of the County Legislature of the County of Chautauqua increasing 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

At the Request of Chairman Keith D. Ahlstrom and Legislator Fred Crocut:

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, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2010. 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.

The additional taxes imposed by this section shall be suspended in any sales tax quarter, as defined in paragraph (i) of subdivision 1 of section 5-a of the Tax Law, in which the county of Chautauqua is imposing, pursuant to subdivision (a) of section 1210 of the Tax Law, taxes at a rate greater than zero on the retail sale or use of fuel oil and coal used for residential purposes, the retail sale or use of wood used for residential heating purposes, the sale, other than for resale, of propane (except when sold in containers of less than one hundred pounds), natural gas, electricity, steam and gas, electric and steam services used for residential purposes and the use of gas or electricity used for residential purposes.

SECTION 2. Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, is amended by adding a new paragraph (d) to read as follows:

(d) With respect to the additional three-quarters of one percent rate of taxes imposed for the period beginning December 1, 2007, and ending November 30, 2010, in respect to the use of property used by the purchaser in this county prior to September 1, 2007.

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, 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 three-quarters of one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2007, and ending November 30, 2010, the county shall allocate one-fifth of the net collections from the additional three-quarters of one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional three-quarters of one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the general municipal law. The net collections from the additional rates imposed pursuant to this section 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, 2009.

Signed: Ahlstrom, Croscut

MOVED by Legislator Caflich, SECOND by Legislator Croscut to amend by substitution

Resolution of the County Legislature of the County of Chautauqua imposing 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.

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional three-quarters of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2007, and ending November 30, 2010. 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 (d) 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:

(d) With respect to the additional three-quarters of one percent rate of taxes imposed for the period beginning December 1, 2007, and ending November 30, 2010, in respect to the use of property used by the purchaser in this county prior to December 1, 2007.

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 three-quarters of one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2007, and ending November 30, 2010, the county shall allocate one-fifth of the net collections from the additional three-quarters of one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional three-quarters of one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2009.

Unanimously Adopted as amended – R/C Vote: 25 Yes – September 23, 2009

LOCAL LAW INTRODUCTORY NO. 7-09 (Print 2)
A LOCAL LAW RESTRICTING THE APPLICATION AND SALE OF LAWN FERTILIZER WITHIN
THE COUNTY OF CHAUTAUQUA

Adopted by Legislature: 9/23/09
Adopted as LL 5-09 (See page 173 for text)

LOCAL LAW
INTRODUCTORY NO. 8-09
A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER – RE: SIZE OF COUNTY
LEGISLATURE

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

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the next regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than fifteen (15) members, and shall be enacted pursuant to the grant of authority set forth in Section 10 of the New York State Municipal Home Rule Law.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Withdrawn: September 23, 2009

2nd Privilege of the Floor

Laura Damon speaking as an individual. The letters that were read this evening were my group so that was them speaking as a group for more than 5 minutes. Sorry about that. I will update them on what has happened tonight and also review my own history. Years ago, I use to mow the lawn, a little later I cut the grass and now I am lowering the weeds. There is a progression there that has to do with what I have done and I have replaced grass with myrtle and ajuka (sp?), which is much prettier and more interesting than just plain ole grass. Now I will be quiet although earlier, there was a gentleman that spoke who is the Chair of the Lake Commission and I leaned forward and said he's the first man in many years who's made me shut up.

Ms. Alice Growley and I am Director of the Real Property Tax Department and I just want to let you know that I was offended by the fact that I was not given the curtsey to speak on an issue that effected by department.

My name is Doug Champ. Some people call me the energy czar but I am really the Chairman of Chautauqua (*inaudible*) conference that is going to be held here at Chautauqua Suites, October 23rd and 24th. This conference is probably the premier conference in Western New York this year. We will have over 28 panels and over 60 speakers from all over the State. We'll cover topics, everything from, climate change, to offshore wind, to methane, to biomass, to (*inaudible*) job creation, to solar power to compoentry in the process in creating jobs in this County. That has been one of my whole objectives with this conference is to create economy development and that is happening through the efforts of this conference. People from last year, well over a 1,000 came, some that are in this audience tonight. This year it is even different. We are going to have a workshop energy for the home. People that live in our houses are going to learn how they are going to save money, how they can do energy efficiencies within their houses and actually find out that they have return on those investments. All the utilities in Chautauqua County will be there. We will have discussions that will have merit for the development of the future of energy for our sectors in this County of Chautauqua. This conference is free. We are going to have a poster contest of the schools. Fifth grades in Chautauqua County will hopefully entertain a poster energy conservation and efficiency whereby the winning poster will be selected by people coming to the conference and we are going to give out a scholarship to that school. In addition to that, everyone coming will get a free compact florescent bulb and we are also going to give away, installed, efficient hot water tank less hot water heater. So, I encourage the Legislature who represents their constituents to attend this conference whether they are elected or they become citizens after the election. It does not make any difference. This is an important conference for all of us. We can learn a lot here and I think your participation as an elected official is necessary so that you can go back to your communities, better informed and more knowledgeable in what we are facing in the future. Whether we want to become greater or whether we want to become wiser, it's up to us in this Legislature to more about energy and how better to use it. Thank you.

Legislator Caflich: I believe tonight was the first evening that I can remember in my years here that we did not allow a department head to speak and give us some idea of how policy decision was going to impact them. I think it was dreadful that this happened and I hope that we can look forward in the future to having our department heads speak when we ask them to.

Chairman Ahlstrom: I guess I would like to speak. I disagree Mr. Caflich. There have been many times in this Chamber where we have not asked for the opinions of our department heads. They are giving us their opinion. It is our job to set the policy, not their job. They work for us, we do not work for them. Anyone else under second privilege of the floor.

MOVED by Legislator Lemon, SECOND by Legislator Hallquist and duly carried the meeting was adjourned. (9:21 p.m.)

Budget and Regular Legislative Meeting
 Wednesday, October 28, 2009
 Mayville, N.Y.
 2:00 P.M. & 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.
 (2:00 p.m. – Hallquist & Keefe absent) – (6:30 p.m. – All present)

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

MOVED by Legislator Wilder, SECONDED by Legislator Huckno and duly carried, the minutes were approved. (9/23/09)

Chairman Ahlstrom: Just to inform the Legislature, County Executive Edwards is ill today and that is the reason that he is not at our meeting.

1st Privilege of the Floor

No one chose to speak at this time.

COMMUNICATIONS:

1. Proof of Publication – Budget & Sewer District Public Hearings
2. Letter – County Executive Edwards –Re: Appts: Chaut. Co. Youth Board
3. Statement – County Executive Edwards – Re: Phosphate LL Intro. 7-09
4. Annual Report – County Clerk – 2008
5. Email – Re: 2010 Budget – J. Walker
6. Letter – Gov. Paterson – Re: Ack. Receipt of Motion 10-09
7. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 10-09
8. Letter – Assemblyman Parment – Re: Ack. Receipt of Motion 10-09
9. Letters (2) – Senator Young – Re: Ack. Receipt of Motions 8 & 10-09
10. Letter – State Comptroller – Re: Ack. Receipt of Res. 194-09 – Sales Tax
11. Letter – NYSAC – Re: Ack. Receipt of Motion 10-09
12. Draft Minutes – Chaut. Co. Soil & Water Conserv. District – Sept. 2009
13. Letter – Allegany Leg. – Res. Proposed Anti-Gun Owner Legislation
14. Highlights – NYS Fish, Wildlife & Marine Resources
15. Chautauqua County 2010 Tentative Budget

Legislator Barmore: Mr. Walker asked me if we could have number 5 read.

Clerk Jankowski George: This was an email that was forwarded to me from Legislator Barmore and signed by Jim Walker of E. Ross Mills Road in Falconer and it addresses the 2010 budget.

Ladies and Gentleman: I am sending this to add a few thoughts from a very burden and disgruntled taxpayer. I know you will leave here tonight complimenting yourselves on what a great job you have done in putting in place a 2010 budget. But recent newspaper articles shows that we are misdirected on the issues of whether to spend fund balance or raise taxes. The \$100,000 requested to hire some additional employees. Was not put forth to cut say the \$14 million dollars Sheriff's Department budget. Why not put to the people whether we could cut this body by 50% and save enough to add this \$100,000. We do on to find out that Dr. Mueller is not satisfied with telling us what kind of fertilizer we can use but propose more spending on the lake

algae. I have been in around Chautauqua County for 50 years during that time I have heard over and over about the weeds and algae in Chautauqua Lake. This body has commissioned studies, held hearings, passed legislation, spend sums of money that probably is best left being a unknown. Yet we still have algae and weeds in Chautauqua Lake. We probably have a record number of lake properties for sale this year, I submit, that it is not because of the algae, rather it is due to the largest county legislature in WNY, with the 4th highest property taxes in the country, paying for a government that does nothing for the taxpayers. They probably have read that we are more concerned whether bed tax dollars are spent in the north and south equally than we are whether that tax and the spending of it did something positive for the taxpayers. As a side note, I think it would be interesting to note how spending \$20,000 on fireworks helped the economy. Most believe that this was an off Labor Day weekend. I purpose that you add these factors to next year's budget. Can the taxpayers afford it? Would each of you be willing to give up your home, as will some taxpayers in Chautauqua County will do again this year. Is this debt a duplicate of any town or city operation? le: highway, court, clerk, etc.. Is anybody here annoyed that one of the reasons for the highest taxes in the country is that all services of the country are duplicated by the towns? Let us as a group set a goal to reduce the taxes each year until we are no longer part of the top ten (highest taxed counties). How about out of top 20? Sorry, I was daydreaming. I would suggest that consolidation of courts, reducing the Sheriff's budget from \$14 million to \$10 million would be quick easy ways to start. I know it is easy to blame the State for unfunded mandates but the truth is we could reduce enough out of the County budget to help the taxpayers from the things we do have control over. One last comment to the gentleman that was quoted in the paper as saying we should be careful in using the "fund" and not raising taxes because we need to save it for the future. These funds are called "rainy day funds in many places". Have you looked outside lately? It's raining. If we don't make this County employer friendly, reduce taxes, cut dumb regulations, we don't have a future. Signed: Jim Walker

Legislator Croscut: Would you read the one from the County Executive on the phosphate law, number three.

Clerk Jankowski George: This is a communication from the County Executive Greg Edwards, dated October 23, 2009. Chautauqua County Local Law Introductory 7-09 (Print 2) restricts the application and sale of lawn fertilizer within the County of Chautauqua. The law is modeled upon similar legislation enacted in Westchester County, and primarily seeks to control the migration of phosphorus into the County's watersheds. I am supportive of the goal to lower phosphorus levels in the County's lakes and streams, and am therefore approving the local law. However, the Chautauqua Lake Management Commission will soon be finalizing a watershed management plan. I would recommend that the local law be reviewed after the plan is released to determine whether the local law can be improved to reflect conditions in Chautauqua County, which may be different than those that exist in Westchester County. Signed by Gregory J. Edwards, Chautauqua County Executive

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 09/23/09

PUBLIC HEARING – 2010 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Ahlstrom opened up the floor for a public hearing on the 2010 budget and Sewer district assessment rolls at 2:16 p.m. with no one wishing to speak at this time therefore closing the public hearing at 2:17 p.m.

ACTION ON:

TABLED RESOLUTION – 176-09 – Authorize Agreements with Erie 2 – Chautauqua-Cattaraugus BOCES, Cassadaga and Brocton Schools for Resource Officers

Chairman Ahlstrom: Any action on this tabled resolution? Seeing none, stays tabled.

TABLED RESOLUTION – 181-09 – Amend Res. 174-08 – 2009 Bed Tax Distribution – 2% Lakes and Waterways Funding

MOVED by Legislator Croscut, SECONDED by Legislator Kindberg to bring off the table.

Unanimously Carried

MOVED by Legislator Croscut, SECONDED by Legislator Kindberg to refer back to Planning & Economic Development Committee.

Unanimously Carried

MOTION: (On file w/ 10/28/09 Leg. Data)

11-09 Opposition to Exchange of License Plates & Associated Fees, Adopted w/ Duff voting "no".

RES. NO. 195-09
Quit Claim Deeds

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 137-09; 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.

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – October 28, 2009

#	MUNIC	S/B/L	Property Location	Purchaser	Offer Amount	Taxes Owning
PA-5-2009	C/Dnk.	79.08-5-25	20 Jerboa	SUSAN LINTON	9500.00	14632.02
PA-7-2009	C/Dnk.	79.11-2-40	152 Lake Shore	ESTELLE A KALFAS	11000.00	17548.68
PA-8-2009	C/Dnk.	79.11-6-23	205 Beagle	JANNIE M THOMPSON	500.00	12859.91
PA-9-2009	C/Dnk.	79.11-6-51	Second	OM PARKASH	50.00	1437.96
PA-11-2009	C/Dnk.	79.11-6-57	106 Gazelle	DANIEL & LISA LUKASIK	100.00	4319.12
PA-13-2009	C/Dnk.	79.11-7-35	204 Beaver	MICHAEL D YOUNG	2000.00	11824.47
PA-15-2009	C/Dnk.	79.12-2-21	88 Middle	DARRELL & YVONNE DEHAVEN	10000.00	7270.49
PA-16-2009	C/Dnk.	79.13-1-59	243-245 Lake Shore	JOHN J ZMUDA INC	26000.00	32049.39
PA-17-2009	C/Dnk.	79.14-3-68	50 Second	DANIEL R LUCARIELLO ANTHONY & JANET	6000.00	14631.67
PA-20-2009	C/Dnk.	79.15-3-69	76 King	KAPUSCINSKI	12000.00	13247.71
PA-22-2009	C/Dnk.	79.16-2-74	407 Roberts	NEFTALI DEJESUS	25000.00	16168.86
PA-23-2009	C/Dnk.	79.16-3-63	550 Roberts	ROBERT J KRZYZANOWSKI	11000.00	7451.94
PA-24-2009	C/Dnk.	79.17-1-6	Fifth	KIMBERLY EVANCIK	1750.00	1289.81
PA-25-2009	C/Dnk.	79.17-1-8	Fifth	MICHAEL PORPIGLIA	9500.00	1100.13
PA-26-2009	C/Dnk.	79.18-2-76	418 Woodrow	DAVID M CIVILETTE	7000.00	13452.54
PA-27-2009	C/Dnk.	79.18-2-78	414 Woodrow	DARRELL & YVONNE DEHAVEN	14500.00	12237.70
PA-29-2009	C/Dnk.	79.19-2-21	46 Talcott	THAKOOR CHATARPAL	300.00	12925.36
PA-30-2009	C/Dnk.	79.19-2-69	534 Deer	SAVITRI C WASHINGTON	13000.00	14159.73
PA-32-2009	C/Dnk.	79.19-5-63	724 Main	LINDSEY C STEWART	20000.00	16676.53
PA-33-2009	C/Dnk.	79.19-6-12	Leopard	OM PARKASH	50.00	1150.93
PA-34-2009	C/Dnk.	79.19-6-22	627 Main	SAVITRI C WASHINGTON	9000.00	10637.54
PA-35-2009	C/Dnk.	79.19-6-23	Leopard	JESSICA A CORKINS	400.00	2310.35
PA-36-2009	C/Dnk.	79.20-1-43	Ruggie St (Closed)	OM PARKASH	650.00	2421.91
PA-37-2009	C/Dnk.	79.20-2-3	311 Lord	LINDSEY C STEWART	12000.00	20079.38
PA-39-2009	C/Dnk.	79.57-1-46	211 Deer	BENITO RODRIGUEZ	8000.00	19391.75
PA-40-2009	C/Dnk.	79.57-1-47	212 Columbus	OM PARKASH	100.00	16732.12
PA-41-2009	C/Dnk.	96.10-3-39	21 Pennsylvania	RICHARD A & KATHY J DOLCE	26000.00	24085.97
PA-42-2009	C/Dnk.	96.10-3-40	Pennsylvania	RICHARD A & KATHY J DOLCE	850.00	1197.28
PA-43-2009	C/Dnk.	96.15-2-22	15 Greco	CHRISTA M JONES	45000.00	19195.90
PA-44-2009	Jmstn.	369.20-3-49	Livingston	MAX SEEKINGS	30.00	1945.60
PA-48-2009	Jmstn.	370.14-4-24	6 W 18Th	DUNCAN OLESHAK	10000.00	7186.67
PA-49-2009	Jmstn.	370.16-7-37	396 Falconer	SAVITRI C WASHINGTON	4000.00	4064.13
PA-50-2009	Jmstn.	370.16-7-8	425 Falconer	SAVITRI C WASHINGTON	16000.00	24731.71
PA-51-2009	Jmstn.	370.18-1-19	917 N Main	ROYAL HOUSING LLC	1500.00	18592.41
PA-52-2009	Jmstn.	370.18-4-20	915 N Main	ROYAL HOUSING LLC	1500.00	5876.73
PA-53-2009	Jmstn.	370.18-4-49	35 W 12Th	JAMES L. MAGEE	13000.00	5123.82
PA-54-2009	Jmstn.	370.18-4-51	33 W 12Th	SHAWN PRICE	3500.00	6578.95
PA-55-2009	Jmstn.	370.19-11-47	54 Bowen	GEORGE B MILLER	6000.00	4952.27
PA-57-2009	Jmstn.	370.20-5-7	Buffalo	JAMES A BENSINK	600.00	1257.97
PA-58-2009	Jmstn.	370.20-5-8	382 Buffalo	SALVATORE LIUZZO	3500.00	7970.37
PA-59-2009	Jmstn.	371.09-2-21	Niagara	OM PARKASH	100.00	1527.38
PA-60-2009	Jmstn.	371.09-2-22	Niagara	OM PARKASH	450.00	1023.64
PA-61-2009	Jmstn.	371.09-6-32	James	JAMESTOWN COMMUNITY COLLEGE	350.00	1604.07
PA-64-2009	Jmstn.	386.08-5-1	Livingston	SAVITRI C WASHINGTON	6000.00	7377.07
PA-65-2009	Jmstn.	386.08-5-29	11 Proudfit	JAMES A RAUH	22000.00	17031.13
PA-66-2009	Jmstn.	386.12-6-34	828 Harding	DUNCAN OLESHAK	15000.00	6143.06
PA-67-2009	Jmstn.	387.05-4-36	6-8 Seymour	CHERYL A CALHOUN	6500.00	10506.91
PA-69-2009	Jmstn.	387.06-1-21	Monroe	FAWN A ANGERER	100.00	23814.75
PA-70-2009	Jmstn.	387.06-1-28	822-30 Monroe	FAWN A ANGERER	2000.00	96449.30
PA-71-2009	Jmstn.	387.06-1-36	1010 Monroe	WILLIAM CARUSO	3500.00	26306.86
PA-76-2009	Jmstn.	387.06-2-46	812 Clinton	JOSEPH M DOMINICK	5500.00	4331.68
PA-77-2009	Jmstn.	387.06-3-25	859 N Main	GARY R MANNING	2000.00	8768.12
PA-78-2009	Jmstn.	387.06-5-10	37 W 10Th	SHAWN J STAHLMAN	9000.00	15572.17
PA-79-2009	Jmstn.	387.06-5-42	52 W 9Th	SALVATORE LIUZZO	750.00	5534.70
PA-81-2009	Jmstn.	387.08-1-14	787 E 2Nd	ROYAL HOUSING LLC	1500.00	4716.80
PA-82-2009	Jmstn.	387.08-2-20	300 Crescent	MARK P RYAN	10000.00	58851.09
PA-83-2009	Jmstn.	387.08-3-30	65 River	JULIA DYATEL	4000.00	19649.21
PA-84-2009	Jmstn.	387.08-4-20	652 Barrows	TERRY B JONES	4000.00	8421.39
PA-85-2009	Jmstn.	387.08-5-38	Chapin	OM PARKASH	50.00	975.72
PA-90-2009	Jmstn.	387.08-5-43	Chapin	OM PARKASH	25.00	795.59
PA-91-2009	Jmstn.	387.08-5-44	Chapin	OM PARKASH	25.00	795.59
PA-92-2009	Jmstn.	387.08-5-45	Chapin	OM PARKASH	10.00	648.62
PA-93-2009	Jmstn.	387.08-5-46	Chapin	OM PARKASH	10.00	648.62
PA-94-2009	Jmstn.	387.08-5-47	Chapin	OM PARKASH	10.00	652.73

PA-95-2009	Jmstn.	387.08-5-90	Benedict	THOMAS C FLAGELLA	25.00	1012.08
PA-96-2009	Jmstn.	387.08-5-91	Benedict	THOMAS C FLAGELLA	50.00	1012.08
PA-97-2009	Jmstn.	387.08-6-30	Scioto	ANGELO GIUFFRE	3400.00	3532.62
PA-98-2009	Jmstn.	387.09-4-36	50 Lakin	JOHN A DIETRICK III	19000.00	10835.24
PA-101-2009	Jmstn.	387.12-2-10	169 Barrows	OM PARKASH	50.00	2258.02
PA-102-2009	Jmstn.	387.12-2-13	Barrows	OM PARKASH	10.00	3339.38
PA-103-2009	Jmstn.	387.12-2-14	151 Barrows	OM PARKASH	10.00	1630.38
PA-104-2009	Jmstn.	387.12-2-36	18 King	OM PARKASH	1.00	2833.60
PA-105-2009	Jmstn.	387.12-2-44	200 Allen	DAVID LIPARI	300.00	8272.73
PA-106-2009	Jmstn.	387.12-3-24	Tower	NED BATTLE	25.00	987.74
PA-108-2009	Jmstn.	387.12-3-32	214 Tower	DESIREE A T EMMERLING	3000.00	5103.41
PA-113-2009	Jmstn.	387.13-4-5	Palmer	DEREK WILLIAM POLLINO	750.00	2290.25
PA-114-2009	Jmstn.	387.14-1-43	110 Francis	ROSARIO A DONISI	13000.00	10218.16
PA-115-2009	Jmstn.	387.14-5-22	16 Charles	DAVID LIPARI	15000.00	17029.89
PA-119-2009	Jmstn.	387.14-7-32	115 Barrett	DAVID LIPARI	4500.00	8340.94
PA-120-2009	Jmstn.	387.14-9-29	29 Linden	CHAUTAUQUA ACQUISITIONS	4500.00	9348.67
PA-122-2009	Jmstn.	387.15-6-29	Foote	JAMES L MAGEE	500.00	786.92
PA-123-2009	Jmstn.	387.16-6-73	Elm	MATTHEW J HARRISON	150.00	1327.06
PA-126-2009	Jmstn.	387.18-5-59	322 Forest	SALVATORE LIUZZO	50.00	21054.85
PA-127-2009	Jmstn.	387.19-2-10	Prospect	BETTY L & JOHN W MARSH	1000.00	3934.81
PA-128-2009	Jmstn.	387.19-9-19	68 Linwood	DANIEL B WASHINGTON	18000.00	15500.97
PA-129-2009	Jmstn.	387.19-9-45	86 Cole	MARY E PETERS	25000.00	8799.21
PA-130-2009	Jmstn.	387.25-3-34	240 Fulton	MARY D CORREA	3500.00	8507.68
PA-132-2009	Jmstn.	387.26-3-32	641 E 6Th	YVONNE P BAIR	2000.00	7414.29
PA-135-2009	Jmstn.	387.31-2-12	503 W 7Th	MICHELLE HILTON	13000.00	9648.88
PA-136-2009	Jmstn.	387.31-2-13	W 7Th	MICHELLE HILTON	50.00	1549.17
PA-138-2009	Jmstn.	387.32-2-26	17 W 7Th	THAKOOR CHATARPAL	5500.00	6466.90
PA-139-2009	Jmstn.	387.32-2-46	612 Cherry	JAMES A BENSINK	300.00	3728.04
PA-140-2009	Jmstn.	387.34-2-13	514 E 5Th	CRAIG S ROBBINS	2500.00	6312.57
PA-141-2009	Jmstn.	387.34-4-16	223 Winsor	SAVITRI WASHINGTON	4000.00	4740.55
PA-143-2009	Jmstn.	387.34-4-28	41 Cross	SALVATORE LIUZZO	1500.00	7900.83
PA-144-2009	Jmstn.	387.42-2-15	168 Chandler	DAVID LIPARI	1750.00	4035.14
PA-145-2009	Jmstn.	387.42-2-19	112 Cross	CRAIG S ROBBINS	2000.00	4788.92
PA-146-2009	Jmstn.	387.42-2-30	59 Franklin	JESUS FIGUEROA-CRUZ	2000.00	4598.18
PA-149-2009	Jmstn.	387.42-3-13	133 Winsor	SAVITRI C WASHINGTON	5000.00	289586.87
PA-150-2009	Jmstn.	387.42-3-9	210 Chandler	SALVATORE LIUZZO	3000.00	1149.64
PA-155-2009	Jmstn.	388.05-1-14	Benedict	THOMAS C FLAGELLA	1.00	1192.21
PA-156-2009	Jmstn.	388.05-1-18	Eagle	DONALD W PHILLIPS	125.00	759.25
PA-157-2009	Jmstn.	388.05-1-19	Eagle	THOMAS C FLAGELLA	75.00	759.25
PA-158-2009	Jmstn.	388.05-1-20	Eagle	THOMAS C FLAGELLA	10.00	759.25
PA-159-2009	Jmstn.	388.05-1-21	Eagle	THOMAS C FLAGELLA	50.00	759.25
PA-160-2009	Jmstn.	388.05-1-22	Eagle	DONALD W PHILLIPS	1.00	777.31
PA-161-2009	Jmstn.	388.05-1-23	Eagle	DONALD W PHILLIPS	1.00	777.31
PA-162-2009	Jmstn.	388.05-1-24	Eagle	DONALD W PHILLIPS	5.00	939.38
PA-163-2009	Jmstn.	388.05-1-25	Eagle	SAVITRI C WASHINGTON	30.00	777.31
PA-164-2009	Jmstn.	388.05-1-26	Eagle	SAVITRI WASHINGTON	25.00	777.31
PA-165-2009	Jmstn.	388.05-1-27	Eagle	SAVITRI WASHINGTON	25.00	777.31
PA-166-2009	Jmstn.	388.05-1-37	Vega	DONALD W PHILLIPS	10.00	777.31
PA-167-2009	Jmstn.	388.05-1-38	Vega	DONALD W PHILLIPS	10.00	777.31
PA-168-2009	Jmstn.	388.05-1-39	Vega	SAVITRI WASHINGTON	175.00	777.31
PA-169-2009	Jmstn.	388.05-1-40	Vega	THOMAS C FLAGELLA	125.00	828.59
PA-170-2009	Jmstn.	388.05-1-41	Vega	THOMAS C FLAGELLA	75.00	828.59
PA-171-2009	Jmstn.	388.05-1-42	Vega	THOMAS C FLAGELLA	200.00	828.59
PA-172-2009	Jmstn.	388.05-1-43	Vega	DONALD W PHILLIPS	200.00	1008.72
PA-173-2009	Jmstn.	388.05-1-5	Eagle	SAVITRI C WASHINGTON	10.00	777.31
PA-174-2009	Jmstn.	388.05-1-6	Eagle	SAVITRI C WASHINGTON	5.00	777.31
PA-175-2009	Jmstn.	388.05-1-7	Eagle	SAVITRI WASHINGTON	10.00	777.31
PA-176-2009	Jmstn.	388.05-1-8	Eagle	SAVITRI WASHINGTON	10.00	777.31
PA-177-2009	Jmstn.	388.05-1-9	Eagle	SAVITRI WASHINGTON	10.00	777.31
PA-178-2009	Jmstn.	388.05-3-36	42 Eagle	FRANK J KNAPP	8000.00	7002.10
PA-179-2009	Jmstn.	404.06-9-25	Whitehill	DAVID LIPARI	500.00	13440.21
PA-180-2009	Jmstn.	404.07-2-5	360 Broadhead	DAVID LIPARI	11000.00	8517.35
PA-181-2009	Arkwright	133.00-2-36	Walnut Creek	GARY A BOCK	7000.00	2527.30
PA-182-2009	Arkwright	149.00-1-53	9265 Center	DAVID R MCAVOY	10500.00	10562.09
PA-183-2009	Arkwright	150.00-1-47	9351 Walnut Creek	JAMES P STANFIELD	15500.00	7623.68
PA-190-2009	Busti	367.15-2-84	140 Loomis	RANDALL S & SUSAN PETERSON	5000.00	4903.34

PA-191-2009	Busti	367.20-1-1	2490 Vukote	PAUL & MICHELLE KING	42000.00	19320.76
PA-192-2009	Busti	384.12-4-19	2199 First	DANIEL L VAN HOUT	4000.00	13450.62
PA-193-2009	Busti	384.12-4-33	2200 Second	WENDY S GESAMAN	300.00	8711.62
PA-195-2009	Carroll	407.00-1-48	1611 Bunce	JENNIFER L CLAYSON	9000.00	6348.48
PA-203-2009	V/Sinclairville	251.13-2-17	35 East	ANGELO J & STACY RIVERA	3500.00	26476.48
PA-204-2009	Charlotte	216.00-3-37.2	Barnum	MELISSA A THOMPSON	10000.00	12389.75
PA-205-2009	Charlotte	233.00-2-4	Route 60	WILLIAM J STRONG	5000.00	21105.54
PA-206-2009	Charlotte	235.00-1-30	Thornton	BARRY T & AMBER LINDQUIST	33000.00	11406.20
PA-207-2009	Charlotte	250.00-2-24	Rt 60	SAVITRI C WASHINGTON	3000.00	67982.76
PA-208-2009	Charlotte	250.00-2-25	Route 60	SAVITRI C WASHINGTON	2000.00	15610.97
PA-209-2009	Charlotte	250.00-2-26	Rt 60 Rear	SAVITRI C WASHINGTON	2000.00	5713.90
PA-210-2009	Charlotte	250.00-2-27	Rt 60	SAVITRI C WASHINGTON	2000.00	51305.97
PA-212-2009	Chautauqua	246.00-2-4	Wright	GARY H HENRY JR EDMOND ABRAIN & GRETA BOBSEINE	65000.00	2810.19
PA-213-2009	Chautauqua	295.00-1-30	7770 Redwing	BOBSEINE	500.00	13333.31
PA-215-2009	V/Cherry Creek	237.12-1-56	568 Center Southside Ave E	KCDT FAMILY TRUST ANTHONY F & ANNE GUTKOWSKI	3500.00	14840.10
PA-216-2009	V/Cherry Creek	237.16-1-6	Rear	GUTKOWSKI	700.00	1816.59
PA-217-2009	V/Cherry Creek	237.16-1-8	S Main	BRIDGET MARSHALL	6000.00	9671.42
PA-218-2009	Cherry Creek	254.00-1-26	Hunt	QUENTIN E BRAINARD	3500.00	1647.45
PA-219-2009	Cherry Creek	254.00-1-27	Hunt	QUENTIN E BRAINARD	6000.00	13494.55
PA-220-2009	T/Dunkirk	80.01-1-35	Urban	SYRACUSE GLASS BLOCK LLC	3000.00	11145.33
PA-221-2009	T/Dunkirk	80.01-1-39	Urban	PAUL H TIMMERMAN	3500.00	9259.99
PA-223-2009	T/Dunkirk	95.04-1-19	Willow	LYNNE A DIMMER	3500.00	885.12
PA-226-2009	Ellery	351.20-1-20	3022 Route 430	WILLIAM S STEEN 3	8000.00	7362.94
PA-227-2009	V/Celoron	369.15-1-6	52 Boulevard	READY ABOUT SAILING	3250.00	11892.45
PA-228-2009	V/Celoron	369.15-2-36	East	WILLIAM W CARUSO BRICE & ALBERT MANAGEMENT INC	300.00	940.28
PA-229-2009	V/Celoron	369.18-1-69	70 W Livingston	INC	8000.00	10106.30
PA-230-2009	V/Celoron	369.19-4-39	17-19 Maple	LAURI A JOHNSON	7000.00	16622.70
PA-231-2009	V/Celoron	386.07-4-18	110 Gifford	CARMELO MAZZURCO	65000.00	50248.63
PA-232-2009	V/Celoron	386.07-4-19	Gifford	PATRICIA CULLITON	47000.00	21708.08
PA-234-2009	V/Falconer	371.06-2-13	W Mosher	DANIEL L & SUSAN M COLWELL	700.00	1495.79
PA-235-2009	V/Falconer	371.06-2-14	54 W Mosher	DANIEL L & SUSAN M COLWELL	27000.00	14334.60
PA-236-2009	V/Falconer	371.06-2-15	W Mosher	DANIEL L & SUSAN M COLWELL	1100.00	1495.79
PA-237-2009	V/Falconer	371.07-3-10	342 E Main	MICHAEL S DYE	100.00	14356.45
PA-238-2009	V/Falconer	371.07-3-9	340 E Main	MICHAEL S DYE	50.00	13068.76
PA-239-2009	Ellicott	353.00-5-2	2996 N Main St	JOHN A DIETRICK III	40000.00	30692.05
PA-241-2009	Ellicott	369.10-1-50	Railroad	MAYNARD W BUNN JR	50.00	729.48
PA-242-2009	Ellicott	369.10-1-51	Railroad	MAYNARD W BUNN JR	50.00	886.12
PA-244-2009	Ellicott	371.07-5-26	E Main St	MICHAEL S DYE	250.00	1503.58
PA-245-2009	Ellicott	386.07-7-14	Gifford	TANGLEWOOD MANOR INC	450.00	983.89
PA-246-2009	Ellicott	386.07-7-15	Gifford	TANGLEWOOD MANOR INC	450.00	983.89
PA-247-2009	Ellicott	386.07-7-16	Gifford	TANGLEWOOD MANOR INC	450.00	983.89
PA-248-2009	Ellicott	386.07-7-17	Gifford	TANGLEWOOD MANOR INC	450.00	983.89
PA-249-2009	Ellicott	386.07-7-18	Gifford	TANGLEWOOD MANOR INC	450.00	983.89
PA-255-2009	Ellington	287.00-2-34	Hagerdon Hill	RICKY D CANNON	1.00	1592.39
PA-258-2009	Gerry	267.08-2-5	Railroad	AUCTIONS INTERNATIONAL INC	100.00	1086.91
PA-261-2009	V/Silver Creek	32.17-3-9	8 Lincoln	STEPHEN G & CAROL A WAUGH	1.00	16768.70
PA-262-2009	V/Silver Creek	32.18-2-17	24 Buffalo	JLV PROPERTIES	10000.00	20764.04
PA-263-2009	V/Silver Creek	32.18-2-36	Buffalo	KCDT FAMILY TRUST CHAU AREA HABITAT FOR HUMANITY	900.00	45294.37
PA-265-2009	V/Silver Creek	49.06-3-20	43 Babcock	HUMANITY	750.00	13599.12
PA-267-2009	Hanover	119.00-1-12	159 Fredonia	MATTHEW J HASKINS	4000.00	15283.85
PA-269-2009	Hanover	16.18-2-39	425 Main	FRANK KILEY	7000.00	87243.05
PA-271-2009	V/Panama	399.01-1-28	19 East Main	JOE EDWARDS JR	2250.00	2618.39
PA-273-2009	Kiantone	457.00-1-33	1659 Riverside	NIKOLAUS S. & ASHLEY GEDZ	7000.00	17021.72
PA-279-2009	Poland	339.15-1-46.2	Church	TIMOTHY J MEAD	1.00	708.61
PA-280-2009	Poland	340.00-1-6	3928 Waterboro Hill	LINDA L JACKSON	4000.00	6280.42
PA-281-2009	V/Fredonia	113.14-2-34	Barker	SHANNON M HAWK	1.00	1016.82
PA-282-2009	V/Fredonia	113.16-1-49	Orchard	PETER RANKIN RAY CERANOWICZ & R S WILKINS	700.00	1283.49
PA-289-2009	Pomfret	112.00-1-37	5191 Berry	WILKINS	4500.00	11426.18
PA-290-2009	Pomfret	145.00-2-70	5389 Main	JOHN & LAURA C EDDY	10000.00	17252.39
PA-291-2009	Pomfret	146.00-2-9	Sage	VINCENT J & KARA M TRIPPI	3500.00	1665.50
PA-292-2009	Pomfret	181.16-1-5	8098 Route 60 Portland Bay	FOXPIPER LLC	400.00	12846.91
PA-299-2009	Portland	143.16-1-52	Roadway	ERNEST J RAMMELT	20.00	1802.04
PA-300-2009	Portland	161.00-1-32	8963 Pecor	LYNN E BRYAN	21000.00	7054.11
PA-302-2009	Portland	195.00-2-6.1	Woleben	JOHN A SWABIK	25.00	918.50
PA-303-2009	Portland	211.00-3-4	7055 Fish	JERRY R SPEELBERG	8000.00	6888.28
PA-304-2009	Ripley	208.10-2-22	E Lake	ERNEST J RAMMELT	25.00	970.30

PA-305-2009	Ripley	208.10-2-45	Third	ERNEST J RAMMELT	25.00	819.03
PA-306-2009	Ripley	208.10-3-20	E Lake	ERNEST J RAMMELT	400.00	957.14
PA-307-2009	Ripley	208.10-3-21	Fifth	ERNEST J RAMMELT	25.00	614.79
PA-308-2009	Ripley	208.10-3-34	Fifth	ERNEST J RAMMELT	350.00	854.78
PA-309-2009	Ripley	208.10-3-35	Fifth	ERNEST J RAMMELT	600.00	1056.98
PA-310-2009	Ripley	208.10-3-50	E Lake	ERNEST J RAMMELT	100.00	809.59
PA-311-2009	Ripley	208.10-3-51	Fourth	ERNEST J RAMMELT	100.00	614.79
PA-312-2009	Ripley	208.10-3-53	Fourth	ERNEST J RAMMELT	25.00	854.78
PA-313-2009	Ripley	208.10-3-55	Fourth	ERNEST J RAMMELT	25.00	854.78
PA-318-2009	Ripley	240.12-3-31	16 E Main	KAREN C MELLORS	450.00	42694.91
PA-320-2009	Ripley	240.16-1-35	W Main	GARY L & JANET SKINNER ARTHUR & CAROLYN TORRANCE	4000.00	194273.28
PA-321-2009	Ripley	240.16-2-37.2	48 Burton		350.00	1820.44
PA-323-2009	Ripley	256.12-1-14	10751 W Main	JIMMIE W TOLBERT JR CHARLES R & KELLIE J GARDNER	4500.00	10943.29
PA-325-2009	Ripley	258.00-1-35	9836 Greenbush		20000.00	7169.69
PA-331-2009	Sheridan	81.00-1-24	11388 Newell	ROBERT P DOMZALSKI	60000.00	94038.44
PA-334-2009	V/Sherman	328.07-2-30	105 Kendrick	DAVID M DAMCOTT CHRIS A SILKA & ATLEE P MILLER	15000.00	16327.14
PA-335-2009	V/Sherman	328.10-2-22	100-104 Main		31000.00	32914.19
PA-339-2009	Sherman	328.08-1-10	Park	NASH FARM LLC JULIA L & DOUGLAS G CASSELMAN	42000.00	91573.91
PA-342-2009	Sherman	328.08-1-4	Kendrick	EDWARD N BUSECK & FRED COVILLE	5000.00	6598.97
PA-345-2009	Stockton	214.08-1-26	7326 Main	RAYMOND D & DELIA A WESTERDAHL	9500.00	23266.45
PA-346-2009	Stockton	231.00-1-16	6627 Route 380	ANTHONY F & ANNE GUTKOWSKI	8500.00	43393.07
PA-349-2009	Villenova	151.00-2-3.2	Pope Hill		2250.00	1448.00
PA-352-2009	Villenova	170.00-1-33	Route 322	ROBERT G & SHERRY TABER	600.00	13638.25
PA-357-2009	V/Westfield	192.20-1-15	18-28 Portage	BRANDON THOMAS	4000.00	16332.80
PA-358-2009	Westfield	193.00-1-17	7454 Main	DARRELL & YVONNE DEHAVEN	7000.00	3552.65
PA-359-2009	Westfield	193.00-1-18	7454 Main Eighth Ave	DARRELL & YVONNE DEHAVEN	12000.00	17211.30
PA-360-2009	Westfield	208.10-4-22	(Shorehaven) Seventh Ave	ERNEST J RAMMELT	25.00	1171.58
PA-361-2009	Westfield	208.10-4-23	(Shorehaven) Seventh Ave	ERNEST J RAMMELT	125.00	1218.21
PA-362-2009	Westfield	208.10-4-55	(Shorehaven) Seventh Ave	ERNEST J RAMMELT	175.00	775.54
PA-363-2009	Westfield	208.10-4-56	(Shorehaven) Seventh Ave	ERNEST J RAMMELT	225.00	775.54
PA-364-2009	Westfield	208.10-4-57	(Shorehaven) Seventh Ave	ERNEST J RAMMELT	175.00	775.54
PA-365-2009	Westfield	208.10-4-63	(Shorehaven) Tenth Ave	ERNEST J RAMMELT	100.00	943.14
PA-366-2009	Westfield	208.10-5-9	(Shorehaven)	ERNEST J RAMMELT	400.00	1397.05
QC-45-2009	Jmstn.	370.03-1-21	182 Jones&gifford	STEPHEN PRZEPIORA	6387.90	6387.90
QC-46-2009	Jmstn.	370.03-1-22	Hallock	STEPHEN PRZEPIORA GEORGE & MARGARET ANDERSON	699.24	699.24
QC-196-2009	Carroll	407.00-1-56	Ivory	GEORGE & MARGARET ANDERSON	7995.30	7995.30
QC-197-2009	Carroll	407.00-1-86	Harrington	GEORGE JR & MARGARET ANDERSON	9335.38	9335.38
QC-198-2009	Carroll	408.00-1-36	Woodchuck Hill	GEORGE L ANDERSON JR	8324.88	8324.88
QC-199-2009	Carroll	408.00-1-4	137 Bragg	GEORGE JR & MARGARET ANDERSON	11028.90	11028.90
QC-200-2009	Carroll	408.00-1-52	REAR Bragg	ANDERSON	2196.14	2196.14
QC-324-2009	Ripley	256.12-1-7	10776 W Main	DAVID BARTLEBAUGH	7995.93	7995.93
QC-341-2009	Sherman	328.08-1-26	205 Co Rd 18	RUSSELL A JR., & KAY P WEISE	16564.45	16564.45
QC-10-2009	C/Dnk.	79.11-6-52	117 Second	EDDIE LEE MARSHALL	5684.44	5684.44
QC-63-2009	Jmstn.	371.17-3-9	720 Buffalo	BILLY J NAPIER	6912.79	6912.79
QC-99-2009	Jmstn.	387.09-8-74	122 Ellis	PATRICIA L SHRADER	18579.82	18579.82
QC-112-2009	Jmstn.	387.13-3-32	322 Palmer	MARCELLA TRUVER CARLSON	9020.06	9020.06
QC-133-2009	Jmstn.	387.26-3-37	16 Grant	BENJAMIN J OSMAN	8149.74	8149.74
QC-147-2009	Jmstn.	387.42-2-6	14 Elk	THOMAS L OLDRO GUY WILLIAMS REVOCABLE	4359.85	4359.85
QC-194-2009	Busti	455.00-1-2	2997 Burton	LIVING TR	17492.68	17492.68
QC-214-2009	Chautauqua	314.00-1-19	6191 Davis	MICHAEL TURNEY	2641.67	2641.67
QC-233-2009	V/Falconer	107-4-2-.S17	4 E Elmwood	CHARLES STERLING	910.21	910.21
QC-266-2009	V/Silver Creek	49.09-1-39	19 Andrus	BARBARA A KAMINSKI	14815.44	14815.44
QC-272-2009	Harmony	450.00-1-11	131 Panama Bear Lake	DONALD J AIKEN	5272.16	5272.16
QC-322-2009	Ripley	240.16-2-6	21 Maple	BRADLEY R HAWKER	8029.82	8029.82
QC-329-2009	Sheridan	63.08-1-4	3250 Rt 5	JERROLD B KATREIN	16063.05	16063.05
QC-330-2009	Sheridan	80.00-3-16	3507 Werle	LEONARD F KUPKOWSKI	4590.58	4590.58

QC-336-2009	V/Sherman	328.11-2-21	162 Main	G ARTHUR MARTIN JR	14370.72	14370.72
QC-350-2009	Villanova	169.00-1-24	Route 83	THOMAS MIERZWA JR	22946.40	22946.40
TOTALS					1611535.55	3020669.06

RES. NO. 196-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 137-09; 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 #	Munic.	S/B/L	Property Location	Purchaser	Foreclosed Owner	Offer Amt.	Taxes Owing
QC 2-2009	C/Dnk.	79.08 3-5	Stegelski	CCIDA	CCIDA(Atwater)	\$ 2,540.05	\$2,540.05
QC 3-2009	C/Dnk.	79.08 3-7	Stegelski	CCIDA	CCIDA(Atwater)	\$ 2,021.71	\$2,021.71
QC 222-209	T/Dnk.	80.01 1-55	Rt. 5	CCIDA	CCIDA(Atwater)	<u>203,408.88</u>	<u>203,408.88</u>
Totals:						207,970.64	\$207,970.64

Signed: Keefe, Wilder, Huckno, Cafilisch, Barmore

Unanimously Adopted – R/ C Vote: 23 Yes; 2 Absent – October 28, 2009

RES. NO. 197-09
Confirm Appointment – Portland/Pomfret/Dunkirk Sewer District

By Public Facilities Committee:
At the Request of Chairman Keith D. Ahlstrom:

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

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

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

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

Mr. Robert Penharlow
5125 Shorwood Drive
Dunkirk, N.Y. 14048

Replacing Paul Foreman

Term Expires: 11/11/2012

Signed: Babbage, Park, Beightol

Unanimously Adopted – October 28, 2009

RES. NO. 198-09
Confirm Appointments - Chautauqua County Youth Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Youth Board:

Adam Dolce
415 Woodrow Avenue
Dunkirk, NY 14048
Term to Expire: 10/31/12

Rachel Mesmer Ludwig
5128 Spring Street
Ashville, NY 14710
Term Expires: 10/31/12

Signed: Stutzman, Lemon, James, Mueller, Kleparek

Unanimously Adopted – October 28, 2009

RES. NO. 199-09
Authorize Director of Finance to Increase Appropriations for Shumla Road Bridge (BIN 3325410) Replacement Project (PIN 5758.43)

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

WHEREAS, Resolution 191-07 approved a project for the Replacement of the Shumla Road Bridge over Canadaway Creek and committed \$250,000 to cover 100% of the project's Preliminary Engineering Design I-IV phases; and

WHEREAS, the New York State Department of Transportation now estimates the design phase to be \$270,000; and

WHEREAS, the additional \$20,000 to cover 100% of the remaining Engineering Design costs is expected to be funded 80% from Federal funds and 20% from Non-Federal funds; and

WHEREAS, New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$4,000, for the additional design phase costs; and

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

WHEREAS, the project's Construction and Construction Inspection Phase is currently estimated at \$1,730,000 and is expected to be funded 80% from Federal funds and 20% from Non-Federal funds. New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$346,000, for the project's Construction and Construction Inspection Phase; and

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

WHEREAS, the County's share to complete the design, construction and construction inspection phases is estimated to be \$86,500 and is included in the Capital Improvements: County Bridge Program budget; therefore be it

RESOLVED, That Chautauqua County hereby commits 100% of the Non-Federal dollars to advance the above mention project phases and further be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$1,662,500
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.-----R458.9002	Surface Transportation Program	\$1,400,000
D.5112.390.R358.9003	Marchiselli Funds	<u>\$ 262,500</u>
		\$1,662,500

Signed: Richmond, Gould, Beightol, Babbage, Park, Cornell, DeJoe, Nazzaro

Unanimously Adopted – October 28, 2009

RES. NO. 200-09

Adjust Capital Project Accounts for Jail Security Window Improvements and Radio Shop Roof Replacement

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

WHEREAS, Chautauqua County is committed to the security of our jail facilities along with the maintenance and energy efficiency of our other facilities; and

WHEREAS, in the 2009 budget the County approved the funding of jail window replacement and radio shop roof replacement; and

WHEREAS, as a result of competitive bids additional funds are needed to complete the work; and

WHEREAS, the radio shop roof replacement project has a higher priority compared with the sidewalk repairs; and

WHEREAS, the Interest & Earnings account has revenue in excess of budget; therefore be it
RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.3150.691.4	Contractual - Jail Window Replacement	\$115,000
H.3020.692.4	Contractual - Radio Shop Roof Replacement	<u>30,637</u>
		\$145,637

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.3150.693.4-	Contractual - Jail Visitation Walkway Repair	\$25,237
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.3020.692.R503.1000	Inter-fund Transfers	5,400
H.3150.691.R503.1000	Inter-fund Transfers	<u>\$115,000</u>
		\$120,400

INCREASE REVENUE ACCOUNT:

A.9950.999.R240.1RSV	Interest & Earnings – Capital Reserve	\$120,400
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INCREASE APPROPRIATION ACCOUNT:

A.9950.-----.9	Inter-fund Transfer – Miscellaneous	\$120,400
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Signed: Richmond, Gould, Babbage, Park, Beightol, Cornell, DeJoe, Nazzaro

Unanimously Adopted – October 28, 2009

RES. NO. 201-09

Authorize County to Accept Aid to Defense Grant

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

WHEREAS, The Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Division of Criminal Justice Services for Aid to Defense; and

WHEREAS, the grant award covers for the period from April 1, 2009 to March 31, 2010 and provides funding in the amount of Sixteen Thousand Nine Hundred and 00/100 (\$16,900.00) dollars; and

WHEREAS, these funds have been appropriated in the current budget; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State Grant will not be continued if said State Aid is abolished or discontinued.

Signed: Duff, Runkle, Huckno, Richmond, Beightol, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 202-09

Authorize Agreement with State of New York for Local Enhanced Wireless 911 Grant Program

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

WHEREAS, pursuant to Article 6-A of the County Law, it has been determined that Chautauqua County is eligible to apply for and receive reimbursement of certain costs associated with the provision of wireless 911 service during the period of April 1, 2009 to March 31, 2012; and

WHEREAS, the preliminary allocation amounts have been established for all eligible political subdivisions from the 2009-2010 State Budget and the County is designated to receive \$75,915.00 for such period; and

WHEREAS, the State of New York Department of State through its Bureau of Fiscal Management requires that the County enter into an Agreement with the State of New York to comply with the funding guidelines; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute appropriate agreements with the New York State Department of State to comply with the grant guidelines and accept the sum of \$75,915.00 from the 2009-2010 State Budget for reimbursement of eligible wireless 911 service costs incurred between April 1, 2009 through March 31, 2012.

Signed: Duff, Runkle, Huckno, Richmond, Beightol, Cornell, DeJoe, Nazzaro, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 203-09

Additional Funding for the Chautauqua County Housing and Neighborhood Revitalization Trust Fund

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

WHEREAS, pursuant to Resolution 193-08, the Chautauqua County Housing and Neighborhood Revitalization Trust Fund was established with the County pledging to invest a 25% match, up to \$250,000.00, against other public and private funds that are dedicated to the housing trust fund; and

WHEREAS, Resolution 193-08 appropriated the first \$100,000 of the County's \$250,000 match from tobacco settlement funds; and

WHEREAS, the County has received notification that an additional \$100,000 in tobacco settlement monies will be distributed to the County and it is appropriate that such funds be also contributed to the County's housing trust fund match; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to transfer an additional \$100,000 to the Housing Revitalization Trust Fund which will bring the Trust Fund's current balance to \$200,000 of the intended \$250,000 full funding match:

INCREASE APPROPRIATION ACCOUNT:

H.1310.677.4	Contractual – Housing Revitalization Trust	\$100,000
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INCREASE REVENUE ACCOUNT:

H.1310.677.R269.0000	Tobacco Settlement	\$100,000
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Signed: Heenan, Kindberg, Croscut, James, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 204-09
Adjust Accounts – Mental Hygiene

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

WHEREAS, the Chautauqua County Department of Mental Hygiene has relocated their CCSI/SPOA Office and opened their *Tapestry* Office at 2 Academy Street; and

WHEREAS, office equipment and furnishings must be purchased to accommodate the new space; and

WHEREAS, a transfer of funds is necessary so that these purchases can be made from the appropriate account class; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following changes in the 2009 County budget:

INCREASE APPROPRIATION ACCOUNT:
A.4320.----.2 Equipment - Mental Hygiene Programs \$9,150

DECREASE APPROPRIATION ACCOUNT:
A.4320.----.4 Contractual - Mental Hygiene Programs \$9,150

Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 205-09
Adjust 2009 Health Dept. Accts.

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

WHEREAS, the cost of some programs has increased at a rate higher than our original projections and other programs have not met our expectations; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following changes to the 2009 budgetary accounts:

INCREASE APPROPRIATION ACCOUNT:
A.4017.MOMS.4 Contractual – Prenatal Clinic \$40,000

DECREASE APPROPRIATION ACCOUNT:
A.4010.NURS.4 Contractual – Public Health Nursing \$40,000

Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Gould, Richmond

Unanimously Adopted – October 28, 2009

RES. NO. 206-09
Increase Appropriation Account for Additional Grant Funding for Family Planning Program

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

WHEREAS, the New York State Department of Health has awarded additional grant funding for Chautauqua County Health Department Family Planning program medical supplies; and

WHEREAS, these funds must be spent by 12/31/09; and

WHEREAS, the 2009 Chautauqua County Adopted Budget does not include these Additional grant monies; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the New York State Department of Health for funding for the Family Planning program on an annual basis for so long as the Department

of Health continues to fund this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4035.----.4	Contractual – Family Health	\$54,075
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INCREASE REVENUE ACCOUNTS:

A.4035.----.R347.2000	State Aid – Family Planning	\$44,342
A.4035.----.R448.9FPL	Federal Aid – Family Planning	<u>\$ 9,733</u>
		\$54,075

Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 207-09

Adjust 2009 Department of Social Services HEAP Accounts

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

WHEREAS, Chautauqua County Department of Social Services (CCDSS) has been awarded additional federal funding for the administration of Home Energy Assistance Program (HEAP); and

WHEREAS, CCDSS provides direct administrative services and also contracts with agencies to provide for the administration of the HEAP program; and

WHEREAS, CCDSS must adjust the 2009 County Budget to accept and utilize the additional administrative funds; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.6141.----.3	Depreciable Equipment – HEAP	\$ 5,834
A.6141.----.4	Contractual – Home Energy Assistance Prog.	<u>\$71,228</u>
		\$77,062

INCREASE REVENUE ACCOUNT:

A.6141.R464.1000	Revenue -- Home Energy Assistance Prog.	\$77,062
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Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 208-09

Establish & Increase Appropriation Accounts for WIC Grant Funding

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

WHEREAS, the New York State Health Department has awarded grant funding to the Chautauqua County Health Department for the Supplemental Nutrition Assistance Program for Women, Infants and Children (WIC); and

WHEREAS, the award for the first year of the five-year contract cycle is \$748,211 (for the period 10/1/09 to 9/30/10) and the 2009 Chautauqua County Adopted Budget does not include any funding for these grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreement with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

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

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

A.4082.----.2	Equipment – WIC Program	\$ 10,000
A.4082.----.3	Depreciable Equipment – WIC Program	20,000
A.4082.----.4	Contractual – WIC Program	<u>150,000</u>
		\$180,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4082.----.R448.2000	Federal Aid – WIC Program	\$180,000
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Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 25, 2009

RES. NO. 209-09
TANF-Eligible Subsidized Job Placements

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

WHEREAS, Chautauqua County Department of Social Services (CCDSS) has been awarded funds to support subsidized job placements combined with education and training for TANF-eligible individuals; and

WHEREAS, CCDSS has agreed to provide continuous support training, and mentoring for designated Department of Social Services clients in fields in which clients would like to pursue employment; and

WHEREAS, CCDSS will contract with agencies to provide a variety of job readiness and education through subsidized employment programs; therefore be it

RESOLVED, That the County Executive is authorized to enter into agreements with private, public and municipal entities in support of employment programs for TANF-eligible individuals programs for as long as the funding is available to support these projects; and be it further

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual – DSS Admin	\$110,787
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INCREASE REVENUE ACCOUNT:

A.6010.R461.0000	Revenue -- DSS Admin	\$110,787
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Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 210-09
Establish and Increase Appropriation Accounts for Homeland Security and H1N1 Grant Funding

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

WHEREAS, the New York State Health Department, Health Research Inc., and the New York State Office of Homeland Security have awarded grant funding to the Chautauqua County Health Department for Public Health Emergency Preparedness and H1N1 (Swine Flu) vaccination activities; and

WHEREAS, a majority of the H1N1 funds (\$393,397 total award) will be spent by 12/31/09; and

WHEREAS, the 2009 Chautauqua County Adopted Budget does not include these additional H1N1 grant monies; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantors for funding on an annual basis for so long as the Department of Health continues to be funded by these programs, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with agencies, organizations, school districts and other municipal entities as necessary to carry out the objectives and requirements of these grant programs; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Public Health	225,000
A.4010.----.2	Equipment – Public Health	8,000
A.4010.----.4	Contractual – Public Health	54,000
A.4010.----.5	Fixed Contractual – Public Health	2,500
A.4010.----.8	Fringe Benefits – Public Health	<u>20,500</u>
		\$310,000

ESTABLISH & INCREASE REVENUE ACCOUNTS:

A.4010.----.R440.1001	Fed Aid – Homeland Security Grant	\$ 23,000
A.4010.----.R440.1002	Fed Aid – Public Health Grant H1N1	<u>287,000</u>
		\$310,000

Signed: Stutzman, Lemon, James, Mueller, Kleparek, Cornell, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – October 28, 2009

RES. NO. 211-09

Amend Resolution 118-08 Regarding Guidelines for the Allocation of the Original 3% Occupancy Tax Revenue

By Planning & Economic Development Committee:
At the Request of Legislator David Kleparek:

WHEREAS, Resolution 118-08, as amended by Resolution 166-09, established guidelines for allocation of the original 3% occupancy tax revenues; and

WHEREAS, it would be appropriate to further amend Resolution 118-08 to provide that a factor in the ranking and recommendation of tourism promotion grants shall be the proportionate amount of occupancy tax raised during the previous year from within each of the cities and towns; therefore be it

RESOLVED, That Section 5 of Resolution 118-08, as amended by Resolution 166-09, is hereby further amended as follows:

5. 20% of the occupancy tax budgeted shall be utilized to support the development of attractions and events that help develop Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County. The following method shall be utilized to determine how 80% of the 20% is distributed annually:
 - a. Up to a seven (7) member tourism panel made up of representatives from the following organizations shall make funding recommendations to the Legislative Planning and Economic Development Committee for projects and organizations that submit for the 20% portion of the occupancy tax: CCVB (Director of CCVB and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.
 - b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. The Tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
 - c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee. The Tourism Panel's final prioritization and recommendations shall take into consideration the proportionate amount of occupancy tax raised during the previous year from within the city or town where the attraction or event will take place.

The remaining 20% of the 20% shall be held in a contingency account, and the Tourism Panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: Heenan, Croscut, Kleparek

Defeated – R/C Vote: 5 Yes; 18 No; 2 Absent – (No's: Babbage, Barmore, Beightol, Cornell, Croscut, DeJoe, Gould, Huckno, James, Kindberg, Lemon, Mueller, Nazzaro, Park, Richmond, Runkle, Stutzman, Wilder – October 28, 2009

RES. NO. 212-09

Authorizing Conveyance of Tax Parcel Number 262.07-2-16 to Village of Mayville

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards and Legislator Fred Croscut:

WHEREAS, Chautauqua County is the record owner of certain parcels identified on the Chautauqua County Tax Maps as tax parcel number 262.07-2-16, commonly known as the "Ice Cream Place," at the intersection of Erie Street and Chautauqua Avenue in the Village of Mayville; and

WHEREAS, the Village of Mayville has offered to accept a conveyance from the County of tax parcel number 262.07-2-16 to continue and enhance the property's use as a public building; and

WHEREAS, it would be beneficial to both the Village and County and would enhance opportunities for the Village; therefore be it

RESOLVED, That the County Legislature hereby finds that tax parcel number 262.07-2-16 is no longer necessary for public use by the County itself; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute a deed conveying tax parcel number 262.07-2-16 to the Village of Mayville with a deed restriction requiring the Village of Mayville to use said property as a public building; and be it further

RESOLVED, That all other terms and conditions of said transfer shall be negotiated by the County Executive with the Village of Mayville Board of Trustees.

Signed: Keefe, Wilder, Huckno, Cafilisch, Barmore

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – October 28, 2009

Legislature recessed at 2:40 p.m.

Chairman Ahlstrom: Called the Legislature back into session. (6:35 p.m.)

Clerk Jankowski George called the roll and announced a quorum present.

Chairman Ahlstrom: We will now open the public hearing on the 2010 tentative budget and sewer district assessment rolls. Is there anybody here to address the Legislature on the 2010 Tentative budget?

Mr. Mike Sullivan, Mayor of the Village of Fredonia. As Mayor I am here to oppose tonight the proposed budget amendment that would fund a small portion of the Drug Task Force officer being asked to be assigned by the Village of Fredonia. As I see this amendment, it is using a one time revenue source but if the Village Board were to decide that less than 20% of the cost of our officer was sufficient, we would then hire a replacement and if we had no funding next year, we would be stuck with the entire cost of an officer who has not been needed or assigned road patrol in our village for several years. It's a shame that communities with their own police force and at 60% of the tax base, I must subsidize the remainder of this County. It is a shame that this year in the proposed budget, the Village of Fredonia taxpayers will spend, in their payments for County taxes, the sum of \$229,672 to help run the Sheriff's Department. It's a shame the Legislature is not seeing fit to address the creation of a central police service where a police chief with shared decision making with the Sheriff. It's a shame that this resolution has come about so close to the budget deadline. The phrase, too little, too late, rings in my ears. I first questioned the inequitable nature of the paying for the Sheriff Department's road patrol over two years ago. It was May 23, 2007. I appeared before this body that night to address the resolution passing the cost of village elections back to the village taxpayers. Pay for what you use was the idea that I heard. Though, I did not object, I just asked that you apply the same rationale to other operations. The issue of the Drug Task Force surfaced again when we had a retirement in our police force in August of 2008. I advised our Village Board that I had no plans to budget for an officer unless the County was picking up the cost. I presented my budget in March of 2009 and the Board agreed not to fund the position. But before that on December 15, 2008, we met with our Legislators. We waited and waited, we had that meeting so we could address this issue well before in advance of the County budget process. But we waited. Finally after getting some headlines in September of this year, a meeting was called. I shared by concerns with the cost of allocation to the towns, villages and cities, along with copies of Erie and Monroe County central police service Charter and Codes. The end result of this proposal was to find a \$20,000 funding to municipalities being proposed which is less than 20% of our

local costs. Too little, too late. Forget this amendment. Get moving on a local law to create a Department of Central Police Services. Look at proposals for using existing police departments to extend their areas of service and save the taxpayers a considerable amount of money in their County tax bills. There must be a fair and equitable way to share this large cost. Pay for what you use like village residents pay for their cost of elections. Thank you.

My name is Dave Edwards and I am the President of the Chautauqua County Farm Bureau and I live in Panama, NY, where I am a beef and maple producer. First, I would like to thank Mr. Cornell and Mr. Croscut for attending our annual dinner which was held last month. I know that there were several events going on that evening and we have several planned throughout the year and you are welcomed to attend those.

To give you an update on the local resolutions that was up to vote by our County members, they all passed. The sixth one on our local resolution is the one that I would like to address the Legislature on tonight. We support increased funding for the Soil & Water budget. This County is one of the lowest budgets as compared to the other counties with the same amount of agriculture. This resolution is one that I feel, should be strongly addressed by this Legislature. Agricultural is the number one industry in New York State and the number one industry in Chautauqua County. Chautauqua County is number one in the State for the number of farms with 1,648. If you think we have a lot of small farms, think again. The average farm is 148 acres. We are in the top 10 with the amount of revenue generated from those farms in this County. But our Soil & Water budget is far from being in the top 10. Its 34th compared to the other counties in the State. Last month the phosphorus ban was passed and we know the Legislators that are on record for passing that. I would like to see the entire Legislature vote in favor of increasing the Soil & Water budget, to help improve our streams and lakes. Passing the ban was the first step and basically was lip service but at the same time, we need to send a strong message to our number one industry, in support by increasing our Soil & Water budget. Thank you for your time.

Chairman Ahlstrom: Anyone else to address the Legislature on the public hearing? Seeing none, we will close the public hearing. 6:41 p.m.

RES. NO. 213-09

Consider 2010 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 Nazzaro, Gould, Richmond, and DeJoe:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2010 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; and

WHEREAS, after preparation of the tentative budget, the County Executive notified the County Legislature that a contract had been finalized that will provide the County with additional carbon credit revenues in 2010; and

WHEREAS, under the tentative budget the County Home is expected to incur a loss in Medicaid payments of approximately \$1.3M annually as a result of the implementation by NYS DOH of a new reimbursement methodology called Regional Based Pricing, but additional IGT funding is available for the County Home on an approximately 2 to 1 basis with \$2 in IGT funding provided for each \$1 of County local match; and

WHEREAS, it would be advantageous to utilize a portion of the carbon credit revenues to provide the additional local match to boost the IGT funding to a level that would offset the reduction in Medicaid payments to the County Home; and

WHEREAS, it would be in the best interest of the County to eliminate the use of general unobligated fund balance in the 2010 Budget and also utilize the balance of the carbon credit revenues in order to adhere as closely as possible to the County's Financial Management Policy and the State Comptroller's recommendation for a 5% minimum general unobligated fund balance and while still providing no increase in the property tax rate; therefore be it

RESOLVED, That the 2010 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.6102.----.4	Contractual – Social Services – Medical Assistance MMIS	\$328,000
EE.8410.----.9	Interfund Transfers – Electric Generation, I/F Transfers-EE to A	\$614,830

INCREASE REVENUE ACCOUNTS:

A.1310.9999.R280.1ELE	Miscellaneous – Miscellaneous	\$614,830
EE.8410.R215.0005	Sale of Electric Power – Electric Generation	\$614,830
EH.REV.R3020.3300	County Home Revenues – Medicaid IGT	\$853,944

Amend use of general unobligated fund balance from \$2,853,600 to \$0;and be it further

RESOLVED, That the 2010 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$57,451,991 and an estimated Full Value Rate of \$8.60.

Signed: Nazzaro, DeJoe, Richmond, Gould

Adopted – R/ C Vote: 23 Yes; 2 No (No's: Nazzaro, Richmond) - October 28, 2009

2nd Privilege of the Floor

Mr. Doug Champ, 225 Bowen Street in Jamestown. I want to thank this County for having this memorial. I was on the Amphibious Assault Team years ago. I have people that I served with on that Wall. To bring that Wall here, it couldn't be a better explanation of the lives that appear on that shiny Wall of what it represents. As I said before, the Veterans have brought this Country forward to where it is at. When those fellows, not only from Vietnam, but the fellows in Vietnam had fathers and they were in World War II. When WWII was over with, all the wanted was a good woman, a job, and a home. We owe everyone who is a Veteran a debt of credit for what they have done. So I applaud this individual from Brocton and all the people that worked on that to bring the identity back to reality. As a public citizen, as a Veteran, and also remember those who are on that Wall, I thank you very much. (Applaud).

Chairman Ahlstrom: Anyone else to speak to the 2nd privilege of the floor.

MOVED by Legislator DeJoe, SECONDED by Legislator Caflich and duly carried the meeting was adjourned.
(7:30 p.m.)

Regular Legislative Meeting
 Wednesday, November 18, 2009
 Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: James, Hallquist)

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

MOVED by Legislator, Lemon, SECONDED by Wilder Legislator and duly carried, the minutes were approved. (10/28/09).

1st Privilege of the Floor

No one chose to speak at this time.

COMMUNICATIONS:

1. Quarterly Report – NYS Small Business Development Center 7/1-9/30/09
2. Draft Minutes – Chaut. Co. Soil & Water Conservation District
3. Letter - NYS Dept. of State – Ack. Receipt of LL 5-09
4. Letter – Gov. Paterson – Ack. Receipt of Motion 11-09
5. Letter – Assemblyman Parment – Ack. Receipt of Motion 11-09
6. Letter – Assemblyman Giglio – Ack. Receipt of Motion 11-09
7. Fact Sheet – NYSDEC – Environmental Investigation – Standard Portable/Mayville
8. NYS Fish & Wildlife Monthly Highlights – 9/16 to 10/15/09
9. Report – Fn. Director Schulz – October 2009 Investment Results
10. Memo – Stuart I. Brown Associates – Re: Small Cities 2010

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
 NO VETOES FROM 10/28/09

COMMITTEE REPORT – RES. NO. 181-09 – Amend Resolution 174-08 – 2009 Bed Tax Distribution – 2% Lakes and Waterways Funding – Unanimously Adopted – November 18, 2009
 (See Pg. 185 for text)

RES. NO. 214-09

Accept New York State Archives' Local Government Records Management Improvement Fund (LGRMIF) Funds for the Preservation of, and Improved Access to, County Historical Records

By Administrative Services Committee and Legislators Nazzaro & Richmond:
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Clerk has successfully applied through New York State for grant funds through the Local Government Records Management Improvement Fund (LGRMIF) for the preservation of records in record storage in the amount of \$25,116.00; and

WHEREAS, the County Clerk will use the grant proceeds to index and digitize records held in record storage to improve access and ensure preservation; and

WHEREAS, it is appropriate to accept these grant funds to preserve these historical records and improve access to these records; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with New York State for the LGRMIF grant in the amount of \$25,116.00, and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1410.569.4	Contractual - County Clerk	\$25,116
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INCREASE CAPITAL REVENUE ACCOUNT:

H.1410.569.R306.0000	NYS Aid – County Clerk	\$25,116
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Signed: Huckno, Wilder, Keefe, Caffisch, Barmore, Nazzaro, Richmond

Unanimously Adopted – November 18, 2009

RES. NO. 215-09

Accept New York State Archives' Local Government Records, Management Improvement Fund (LGRMIF) Funds for the Conversion of Land Records

By Administrative Services and Legislators Nazzaro & Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Clerk has successfully applied through New York State for grant funds through the Local Government Records Management Improvement Fund (LGRMIF) for the conversion of land records in the amount of \$45,000.00; and

WHEREAS, the County Clerk will use the grant proceeds to convert digital land records to a standardized format; and

WHEREAS, it is appropriate to accept these grant funds to convert the records to a standardized format; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with New York State for the LGRMIF grant in the amount of \$45,000.00; and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1410.569.4 Contractual - County Clerk \$45,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.1410.569.R306.0000 NYS Aid – County Clerk \$45,000

Signed: Huckno, Wilder, Keefe, Caffisch, Barmore, Nazzaro, Richmond

Unanimously Adopted – November 18, 2009

RES. NO. 216-09

Distribution of Mortgage Tax

By Administrative Services Committee and Legislators Nazzaro & Richmond:
At the Request of County Executive Gregory J. Edwards:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due them pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

April 1, 2009 through
September 30, 2009

TOWNS		CITIES	
Arkwright	10,245.50	Dunkirk	29,484.02
Busti	41,862.57	Jamestown	88,197.33
Carroll	18,701.72		
Charlotte	6,958.82	TOTAL	117,681.35
Chautauqua	70,532.21		
Cherry Creek	4,863.74		
Clymer	10,044.50	VILLAGES	
Dunkirk	14,494.28		
Ellery	52,868.31	Bemus Point	3,490.20

Ellicott	57,307.19	Brocton	1,769.70
Ellington	3,445.01	Cassadaga	1,510.75
French Creek	10,953.35	Celoron	3,507.03
Gerry	6,260.08	Cherry Creek	630.21
Hanover	33,665.12	Falconer	6,542.51
Harmony	5,841.77	Forestville	1,205.54
Kiantone	10,057.75	Fredonia	23,671.68
Mina	15,983.45	Lakewood	13,472.34
North Harmony	24,640.77	Mayville	5,749.94
Poland	7,321.86	Panama	730.82
Pomfret	44,896.90	Sherman	801.14
Portland	19,076.88	Silver Creek	4,210.52
Ripley	9,573.84	Sinclairville	1,269.26
Sheridan	15,070.76	Westfield	7,882.01
Sherman	3,930.10		
Stockton	7,860.20	TOTAL	\$76,443.65
Villanova	3,807.07		
Westfield	21,240.15		
TOTAL	\$531,503.90		
Grand Total:	\$725,628.90		

Signed: Huckno, Wilder, Keefe, Caffisch, Barmore, Nazzaro, Richmond

Unanimously Adopted – November 18, 2009

RES. NO. 217-09
Chautauqua Region Community Foundation Grant

By Legislators Huckno, Nazzaro, and Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Chautauqua Region Community Foundation; and

WHEREAS, the grant is in the amount of \$2,000 for the Rescue Equipment - Chautauqua County Technical Rescue Team project; and

WHEREAS, the Technical Rescue Team will be using the funds to purchase emergency medical equipment in compliance with the requirements of the grant; therefore be it

RESOLVED, That the County Executive is authorized to accept the grant; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary adjustments:

INCREASE APPROPRIATION ACCOUNT:

A.3625.----.4	Contractual – Technical Rescue Team	\$2,000
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INCREASE REVENUE ACCOUNT:

A.3625.----.R270.5000	Gifts & Donations - Technical Rescue Team	\$2,000
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Signed: Huckno, Nazzaro, Richmond, Duff, Runkle, Beightol

Unanimously Adopted – November 18, 2009

RES. NO. 218-09
Adjust Accounts – Emergency Services

By Legislators Huckno, Nazzaro, and Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services received a grant from the State of New York Emergency Management Office in the amount of \$41,925 in 2008 for furthering County Emergency Capabilities; and

WHEREAS, the remaining monies from that grant, \$32,832, were recorded as deferred revenue in 2008 and made available for use in 2009 with resolution # 24-09; and

WHEREAS, funds will now be used to make enhancements such as sound proofing and work space management to the Emergency Services Operations Center before the end of the year; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.3010 ----.3	Depreciable Furnishings-Emergency Services	\$32,832

<u>DECREASE APPROPRIATION ACCOUNT:</u>		
A.3010 ----.4	Contractual-Emergency Services	\$32,832

Signed: Huckno, Nazzaro, Richmond, Duff, Runkle, Beightol

Unanimously Adopted – November 18, 2009

RES. NO. 219-09
CARTS – Adjust Capital Budget Accounts 2009

By Legislators Beightol, Nazzaro, and Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, capital bus expenditures exceeded original estimates; and

WHEREAS, a capital account exists to provide funding for the additional purchase; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following 2009 budgetary changes:

<u>DECREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.5630.664.4	Contractual - CARTS Bus Shelters	\$43,500

<u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.5630.652.4	Contractual - CARTS Bus Replacement	\$43,500

Signed: Beightol, Nazzaro, Richmond, Park, Babbage, DeJoe

Unanimously Adopted – November 18, 2009

RES. NO. 220-09
Authorize Director of Finance to Increase Appropriations for Risley Street Bridge (BIN 3326090) Replacement Project (PIN 5757.38)

By Legislators Beightol, Nazzaro, and Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 84-07 approved a project for the Replacement of the Risley Street Bridge over Canadaway Creek and committed \$300,000 to cover 100% of the project's Preliminary Engineering Design I-IV phases; and

WHEREAS, the project's Right of Way (ROW), Construction, and Construction Inspection Phases are currently estimated at \$1,664,391 and are expected to be funded 80% from Federal funds and 20% from Non-Federal funds; and

WHEREAS, New York State Department of Transportation requires that the County commit 100% of the Non-Federal Share, \$332,879, for the project's ROW, Construction and Construction Inspection Phase; and

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

WHEREAS, the County's share to complete the ROW, construction and construction inspection phases is estimated to be \$83,220 and there is sufficient surplus from the reduction in fuel costs compared with the budget to cover the County's share of the project; therefore be it

RESOLVED, That Chautauqua County hereby commits 100% of the Non-Federal dollars to advance the above mentioned project phases, and further be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – Capital Improvements	\$1,664,391
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INCREASE APPROPRIATION ACCOUNT:

DM.9901.9020.9	Interfund Transfers – Transfers to Other Funds	\$ 83,220
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DECREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual – Road Machinery	\$ 83,220
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.----.R458.9002	Federal Aid – Capital Improvements	\$1,331,512
D.5112.390.R358.9003	NYS Aid – Capital Improvements	\$ 249,659
D.5112.390.R503.1000	Inter-fund Transfers – Capital Improvements	\$ 83,220
		<u>\$1,664,391</u>

Signed: Beightol, Nazzaro, Richmond, Park, Babbage, DeJoe

Adopted w/ Huckno voting "no" – November 18, 2009

RES. NO. 221-09
Adjust 2009 Health Department Accounts

By Legislators James, Nazzaro and Richmond:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, some expenditures have exceeded initial budgetary estimates as well as some appropriations have surpluses; therefore be it

RESOLVED That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2009 budgetary accounts:

INCREASE APPROPRIATION ACCOUNTS:

A.1185.----.5	Fixed Contractual – Med Examiners & Coroners	\$ 500
A.4010.HE.4	Contractual – Health Education	3,000
A.4017.MOMS.5	Fixed Contractual – Prenatal Clinic	500
A.4035.----.5	Fixed Contractual – Family Health/Plan Services	2,000
A.4189.HIV.4	Contractual – Other Public Health/HIV	<u>2,000</u>
		\$ 8,000

DECREASE APPROPRIATION ACCOUNTS:

A.1185.----.4	Contractual – Med Examiners & Coroners	\$ 500
A.4010.HE.5	Fixed Contractual – Health Education	3,000
A.4010.NURS.5	Fixed Contractual – Nursing	500
A.4035.----.4	Contractual – Family Health/Plan Services	2,000
A.4070.----.4	Contractual – Tuberculosis	<u>2,000</u>
		\$ 8,000

Signed: James, Nazzaro, Richmond, Stutzman, Kleparek, Lemon, Mueller

Unanimously Adopted – November 18, 2009

RES. NO. 222-09
Accept Cancer Services Grant Funding

By Legislator James:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Health Department has awarded grant funding to the Chautauqua County Health Department for the Integrated Cancer Services Program (formerly known as Partners for Prevention) for the period 4/1/10 – 3/31/11; and

WHEREAS, the Chautauqua County Health Department desires to continue these valuable screening, diagnostic and educational grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

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

Signed: James, Stutzman, Mueller, Kleparek, Lemon

Unanimously Adopted – November 18, 2009

RES. NO. 223-09

Resolution Approving the Proposed Certificate of Incorporation and Consenting to the Formation of the Chautauqua County Capital Resource Corporation

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, on January 31, 2008, subdivision (13) of Section 854 of the General Municipal Law, commonly referred to as the Civic Facilities Legislation (the "Law") expired and, since the

expiration of the Law, industrial development agencies have not been able to provide financial assistance to projects owned or operated by not-for-profit corporations (hereinafter referred to as "Civic Facility Projects"); and

WHEREAS, the ability to finance Civic Facility Projects with tax-exempt bonds has been a very important tool for the County of Chautauqua Industrial Development Agency (the "Agency"), as the Civic Facility Projects undertaken by the Agency have increased employment opportunities for residents of Chautauqua County, New York and allowed local not-for-profit corporations to upgrade their facilities at the lowest possible cost; and

WHEREAS, local development corporations formed under the New York State Not-For-Profit Corporation Law (the "NFPCL") are created to assist, among others, not for profit corporations that are undertaking projects that further any of the following purposes for which local development corporations are created: (1) relieving and reducing unemployment, (2) promoting and providing for additional and maximum employment, (3) bettering and maintaining job opportunities, (4) instructing or training individuals to improve or develop their capabilities for such jobs, (5) carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and (6) lessening the burdens of government and acting in the public interest; and

WHEREAS, in furtherance of the public purposes set forth above, a local development corporation formed under the NFPCL is empowered to take the following actions: (1) to construct, acquire, rehabilitate and improve for use by others industrial or manufacturing plants in the territory in which its operations are principally to be conducted, (2) to assist financially in such construction, acquisition, rehabilitation and improvement, to maintain such plants for others in such territory, (3) to disseminate information and furnish advice, technical assistance and liaison with federal, state and local authorities with respect thereto, (4) to acquire by purchase, lease, gift, bequest, devise or otherwise real or personal property or interests therein, (5) to borrow money and to issue negotiable bonds, notes and other obligations therefore, and (6) to sell, lease, mortgage or otherwise dispose of or encumber any such plants or any of its real or personal property or any interest therein upon such terms as it may determine to be suitable; and

WHEREAS, under the laws of the State of New York, capital resource corporations are permitted to issue tax-exempt bonds for the benefit of qualifying Civic Facility Projects; and

WHEREAS, in accordance with Section 1411(a) of the NFPCL, prior to forming a capital resource corporation, the Agency must obtain the County Legislature's approval of the certificate of incorporation that will be used to form the local development corporation; and

WHEREAS, the Agency has prepared a proposed certificate of incorporation for review by the County Legislature and a copy of such proposed certificate of incorporation is attached hereto as Schedule A; and

NOW, THEREFORE, BE IT RESOLVED by the County Legislature as follows:

Section 1. The County Legislature authorizes the Agency to form a capital resource corporation in accordance with Section 1411 of the NFPCL; provided, however, that any obligations

issued by the local development corporation, and the premium (if any) and interest thereon, shall be special obligations of the capital resource corporation and shall never be a debt of the State of New York, Chautauqua County, New York or any political subdivision thereof (other than the capital resource corporation), and neither the State of New York, Chautauqua County, New York nor any political subdivision thereof (other than the capital resource corporation) shall be liable thereon.

Section 2. The County Legislature approves the form and substance of the certificate of incorporation presented at this meeting and attached hereto as Schedule A, all in substantially the form thereof presented to this meeting, with such changes, variations, omissions and insertions as the County Executive shall approve.

Section 3. This resolution shall take effect immediately.

SCHEDULE A
PROPOSED CERTIFICATE OF INCORPORATION

A Not-For-Profit Local Development Corporation
Under Section 402 and 1411 of the Not-For-Profit
Corporation Law of the State of New York

THE UNDERSIGNED, being over the age of eighteen years, for the purpose of forming a not-for-profit local development corporation pursuant to Section 1411 of the Not For Profit Corporation Law of the State of New York (the "NFPCL"), hereby certifies as follows:

FIRST: The name of the corporation is Chautauqua County Capital Resource Corporation (hereinafter referred to as the "Corporation").

SECOND: The Corporation will be a corporation as defined in subparagraph (a)(5) of Section 102 of the NFPCL and, as provided in Section 1411(b) of the NFPCL, will be a Type C Corporation as defined in Section 201 of the NFPCL. The Corporation is a public instrumentality of, but separate and apart from, Chautauqua County, New York (the "County").

THIRD: The Corporation is to be formed and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and for the specific purpose of:

(a) promoting community and economic development and the creation of jobs in the non-profit and for-profit sectors for the citizens of the County by developing and providing programs for not-for-profit institutions, manufacturing and industrial businesses and other entities to access low interest tax-exempt and non-tax-exempt financing for their eligible projects; and

(b) undertaking projects and activities within the County for the purpose of relieving and reducing unemployment, bettering and maintaining job opportunities, carrying on scientific research for the purpose of aiding the County by attracting new industry to the County or by encouraging the development of, or retention of, an industry in the County, and lessening the burdens of government and acting in the public interest.

By means of engaging in the following activities:

(i) issuing and selling one or more series or classes of bonds, notes and other obligations (the "Obligations") through public letting, private placement, or negotiated underwriting to finance activities referred to in subparagraphs (a) and (b) above, on a secured or unsecured basis;

(ii) engaging the services of one or more underwriters, placement agents, consultants, attorneys, financial advisors and other persons whose services may be appropriate or desirable in connection with the acquisition and financing referred to above;

(iii) entering into contracts with any other economic development organizations sponsored by the County to help achieve the purposes described in subparagraphs (a) and (b) above; and

(iv) in general, performing any and all acts and things, and exercise and any and all powers which may now or hereafter be lawful for the Corporation to do or exercise under and pursuant to the laws of the State of New York for the purpose of accomplishing any of the foregoing purposes of the Corporation.

FOURTH: The activities referred to in paragraph THIRD will achieve the lawful public objective of lessening the burdens of government, the carrying out of such purposes and the exercise of the powers conferred on the Corporation being the performance of an essential governmental

function, it being understood that the performance of such activities will assist the County in reducing unemployment and promoting additional job growth and economic development.

FIFTH: The operations of the Corporation will be conducted within the territory of the County. Notwithstanding any other provision of this Certificate of Incorporation, the by-laws and any provision of law, so long as any Obligations remain outstanding, the Corporation will not do any of the following:

(a) engage in any business or activity other than as set forth in paragraph THIRD;

(b) without the consent of the County and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, (i) dissolve or liquidate, in whole or in part, or institute proceedings to be adjudicated

bankrupt or insolvent, (ii) consent to the institution of bankruptcy or insolvency proceedings against it, (iii) file a petition seeking or consent to reorganization or relief under any applicable federal or state law relating to bankruptcy or insolvency, (iv) consent to the appointment of a receiver, liquidator, assignee, trustee, sequestrator or other similar official of the Corporation or a substantial part of its property, (v) make a general assignment for the benefit or creditors, (vi) admit in writing its inability to pay its debts generally as they become due or (vii) take any corporate action in furtherance of the actions set forth in clauses (i) through (vi) of this paragraph; or

(c) without the consent of the County and the affirmative vote of two thirds of the members of the Board of Directors of the Corporation, merge or consolidate with any other corporation, company or entity or, except to the extent contemplated by paragraph THIRD hereof, sell all or substantially all of its assets or acquire all or substantially all of the assets or capital stock or other ownership interest of any other corporation, company or entity.

SIXTH: Pursuant to the requirements of Section 1411(e) of the Not-For-Profit Corporation Law:

(a) All income and earnings of the Corporation will be used exclusively for its corporate purposes or accrue and, subject to the Corporation's responsibilities under the Obligations, be paid to the New York Job Development Authority.

(b) No part of the income or earnings of the Corporation will inure to the benefit or profit of, nor will any distribution of its property or assets be made to, any member, director or officer of the Corporation, or private person, corporate or individual, or to any other private interest, except that the Corporation may repay loans made to it and may repay contributions (other than dues) made to it to the extent that any such contribution may not be allowable as a deduction in computing taxable income under the Internal Revenue Code of 1986, as amended.

(c) If the Corporation accepts a mortgage loan or loans from the New York Job Development Authority, the Corporation will dissolve in accordance with the provisions of paragraph (g) of Section 1411 of the NFPCL upon the repayment or other discharge in full by the Corporation or all such loans.

SEVENTH: (a) The Corporation will not attempt to influence legislation by propaganda or otherwise, or participate in or intervene, directly or indirectly, any political campaign on behalf of or in opposition to any candidate for public office.

(b) The Corporation will not engage in any activities not permitted to be carried on by an organization exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

(c) The Corporation will not accept a mortgage loan or loans from the New York Job Development Authority.

EIGHTH: In the event of the dissolution of the Corporation or the winding up of its affairs, the Board of Directors will, after paying or making provision for the payment of all of the liabilities of the Corporation, distribute all of the remaining assets and property of the Corporation to the County, so that the County can use such assets and property to accomplish the purposes set forth in Section 1411(a) of the NFPCL. Any of such assets not so disposed of will be disposed of by order of the Supreme Court of the State of New York pursuant to Section 1008 of the NFPCL.

NINTH: The office of the Corporation will be located in Chautauqua County, New York. The Corporation at all times will:

(a) upon request by the County, the Corporation will make available any and all books and records of the Corporation for inspection by the Chairman of the Chautauqua County Legislature (the "County Legislature") and his or her staff; and

(b) submit to the County Legislature an annual financial report together with a report of the operations and accomplishments of the Corporation for such annual period.

(c) The governing body of the County, the New York State Authority Budget Office and the New York State Comptroller will have the right to conduct an annual audit of the books and records of the Corporation.

TENTH: The County is the sole member of the Corporation.

ELEVENTH: The Corporation will be managed by a Board of Directors, who are to be comprised of those persons named in paragraph TWELFTH hereof (the "Directors"). Each of the Directors will serve at the pleasure of the governing body of the County and continue to hold office until his successor is appointed by the governing body of the County.

The Corporation is deemed to be a public body (as such term is defined in the Open Meetings Law) and, as such, each meeting of the Board of Directors of the Corporation will be conducted in the manner prescribed by the Open Meetings Law. The Directors will not receive compensation for services provided to or on behalf of the Corporation.

TWELFTH: The Corporation will consist of not less than three nor more than nine Directors. The Directors will be appointed by the governing body of the County and will include (a) the Chairman of the County of Chautauqua Industrial Development Agency, (b) the Vice-Chairman of the County of Chautauqua Industrial Development Agency, (c) the Treasurer of the County of Chautauqua Industrial Development Agency, (d) the Secretary of the County of Chautauqua Industrial Development Agency, and (e) any additional member of the County of Chautauqua Industrial Development Agency so appointed as a Director.

(a) The names and addresses of the initial Directors of the Corporation are as follows:

(i) Michael Piazza, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(ii) Michael Metzger, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(iii) Richard Starr, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(iv) David Bryant, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(v) Gregory DeCinque, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(vi) Kim Peterson, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(vii) Dennis Rak, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(viii) Doreen Sixbey, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

(ix) Shaun Heenan, c/o Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701.

It is acknowledged that the Directors hold comparable positions with County of Chautauqua Industrial Development Agency established by Chapter 71 of the 1972 Laws of the State of New York, as amended. By reason of the shared public purposes of the Corporation and the County of Chautauqua Industrial Development Agency, none of the Directors of the Corporation will be deemed to have a conflict of interest solely due to such person's position with the County of Chautauqua Industrial Development Agency.

The powers of the corporation set forth in paragraph THIRD hereof will be subject to the following limitations:

(A) The Corporation will only undertake projects that are not authorized by Article 18A of the New York State General Municipal Law (the "New York State Industrial Development Agency Act") unless the Corporation receives a written request from County of Chautauqua Industrial Development Agency asking the Corporation to consider undertaking such project.

(B) The bonds or notes and other obligations of the Corporation will not be a debt of the State of New York or Chautauqua County, New York, and neither the State of New York nor Chautauqua County will be liable thereon, nor will they be payable out of any funds other than those of the Corporation.

(C) The Corporation will hold a public hearing on any financial assistance in excess of \$100,000 proposed to be provided by the Corporation to a project at which interested parties will be provided with reasonable opportunity, both orally and in writing, to present their views with respect to the project. The Corporation will give the same notice of such hearing as the County of Chautauqua Industrial Development Agency would be required to give pursuant to the provisions of Section 859-a and b of the General Municipal Law of the State of New York as if such hearing was a public hearing of the County of Chautauqua Industrial Development Agency with respect to a project.

THIRTEENTH: The Corporation will be subject to the Public Authorities Accountability Act of 2005 (the "Act"). As such, the Corporation will be required to, among other things: (1) undergo annual independent audits and submit the results of such audits to the County and the New York State Authority Budget Office, (2) prepare and submit its annual budget to the County and the New York State Authority Budget Office, (3) adopt the various ethical, reporting, property disposition and disclosure policies required by the Act, and (4) form governance and audit committees to ensure the Corporation is in compliance with the Act and any other applicable laws.

FOURTEENTH: The Secretary of State of the State of New York is designated as agent of the Corporation upon whom process against it may be served. The post office address to which the Secretary of State will mail a copy of any process against the Corporation served upon him or her is Chautauqua County Capital Resource Corporation, 200 Harrison Street, Jamestown, New York 14701. Attn: William J. Daly, Chief Executive Officer.

FIFTEENTH: The By-laws of the Corporation may be adopted, amended or repealed by a majority of the Directors of the Corporation upon 10 days notice to all of the Directors, provided, however, that the Corporation will not amend, alter, change or repeal any provision of the adopted By-laws without the consent of the Chairman of the County Legislature.

SIXTEENTH: The Corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in any manner now or hereafter provided

herein or by statute; provided, however, that (1) the Corporation will not amend, alter, change or repeal any provision of this Certificate of Incorporation without the affirmative vote of two-thirds of the members of the Board of Directors of the Corporation and the consent of the Chairman of the County Legislature, and (2) the Corporation will not amend or change any provision of this Certificate of

Incorporation without first providing the Chairman of the County Legislature and the Directors with 10 days advance notice of any proposed amendment, alteration, change or repeal.

Signed: Heenan, Kindberg, Croscut

Unanimously Adopted – November 18, 2009

RES. NO. 224-09
Quit Claim Deeds

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

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Article 11, Section 1166 of the Real Property Tax Law, the following offers, as detailed on the attached Schedule 1 for the County's Tax Liens under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 137-09; therefore, be it

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

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

Offer Number	Municipl.	Parcel ID No	Property Location	Purchaser	Offer Amount	Taxes Owning
PA-7-2009	C/Dnk.	060300-79.11-2-40	152 Lake Shore	DANIEL R LUCARIELLO	\$ 11,000.00	\$17,548.68
PA-13-2009	C/Dnk.	060300-79.11-7-35	204 Beaver	JOSHUA J MORLEY	500.00	\$11,824.47
PA-24-2009	C/Dnk.	060300-79.17-1-6	Fifth	OM PARKASH	\$ 100.00	\$ 1,289.81
PA-25-2009	C/Dnk.	060300-79.17-1-8	Fifth	NICHOLAS J EVANCZIK	\$ 500.00	\$ 1,100.13
PA-26-2009	C/Dnk.	060300-79.18-2-76	418 Woodrow	ROBERT J KRZYZANOWSKI	\$ 3,000.00	\$13,452.54
PA-38-2009	C/Dnk.	060300-79.57-1-41	203 Deer	ORTIZ PRUDENCIO	\$ 500.00	\$12,815.88
PA-86-2009	Jmstn.	060800-387.08-5-39	Chapin	OM PARKASH	\$ 25.00	\$ 795.59
PA-87-2009	Jmstn.	060800-387.08-5-40	Chapin	OM PARKASH	\$ 25.00	\$ 795.59
PA-88-2009	Jmstn.	060800-387.08-5-41	Chapin	OM PARKASH	\$ 25.00	\$ 795.59
PA-89-2009	Jmstn.	060800-387.08-5-42	Chapin	OM PARKASH	\$ 25.00	\$ 795.59
PA-107-2009	Jmstn.	060800-387.12-3-26	King	OM PARKASH	\$ 10.00	\$ 928.35
PA-115-2009	Jmstn.	060800-387.14-5-22	16 Charles	ANGELO DONISI	\$ 5,500.00	\$ 17,029.89
PA-130-2009	Jmstn.	060800-387.25-3-34	240 Fulton	MARCUS L CARLSON	\$ 10.00	\$ 8,507.68
PA-151-2009	Jmstn.	060800-388.05-1-10	Eagle	DONALD W PHILLIPS	\$ 1.00	\$ 777.31
PA-152-2009	Jmstn.	060800-388.05-1-11	Eagle	DONALD W PHILLIPS	\$ 1.00	\$ 778.75
PA-153-2009	Jmstn.	060800-388.05-1-12	Eagle	DONALD W PHILLIPS	\$ 1.00	\$ 778.75
PA-154-2009	Jmstn.	060800-388.05-1-13	Eagle	DONALD W PHILLIPS	\$ 1.00	\$ 778.75
PA-180-2009	Jmstn.	060800-404.07-2-5	360 Broadhead	MARIA RIVERA	\$ 10.00	\$ 8,517.35
PA-203-2009	V/ Sinclairville	062601-251.13-2-17	35 East	BILLY J MILLER	\$ 300.00	\$ 26,476.48
PA-215-2009	V/Cherry Crk.	063001-237.12-1-56	568 Center	JOSHUA J MORLEY	\$ 3,500.00	\$ 14,840.10
PA-217-2009	V/Cherry Crk.	063001-237.16-1-8	S Main	JEFFERY W STEWARD	\$ 700.00	\$ 9,671.42
PA-220-2009	T/Dnk.	063400-80.01-1-35	Urban	RONALD J MASLACH	\$ 2,750.00	\$ 11,145.33
PA-343-2009	T/Stockton	066889-198.00-2-27	Cass/Stkton Rd.	STEPHEN LATONE	\$ 1.00	\$ 503.54
PA-347-2009	T/Stockton	066889-248.00-1-55	4894 Cent-Hartfield	STEPHEN LATONE	\$ 2,500.00	\$ 7,645.97
PA-351-2009	T/Villenova	067000-169.00-1-40	Route 83	RONALD J MASLACH	\$ 1.00	\$ 1,309.14
PA-387-2009	V/Westfield	067201-193.17-4-72	3 Bells Parkway	DAVID J LINDSEY JR	\$ 20,000.00	\$ 16,755.61
PA-395-2009	T/Pomfret	065889-131.13-1-24	9548 Route 60	STACY E WARNER	\$ 10.00	\$ 11,285.34

TOTALS:

\$50,996.00 \$198,943.63

Signed: Keefe, Wilder, Huckno, Caffisch, Barmore

Unanimously Adopted – R/ C Vote: 23 Yes; 2 Absent - November 18, 2009

EMERG. RES. NO. 225-09

Authorize Agreement with Joshua & Elizabeth Ehmke for Purchase of Portion of Pleasant Acres Property

WHEREAS, pursuant to Resolution 190-09, the County Legislature authorized the Brocton-Portland Development Corporation ("BPDC") to market the former Welch Foods and Pleasant Acres properties in the Village of Brocton and Town of Portland that the County obtained through tax foreclosure; and

WHEREAS, the former Pleasant Acres mobile home park property contains a residential house that is in severe disrepair and BPDC has obtained an offer dated November 16, 2009 from a local developer to purchase the house and a portion of the land with the condition that the house be fully renovated in compliance with applicable building codes; and

WHEREAS, the deterioration of the house and its leaking roof will not withstand the imminent winter weather and the BPDC board has recommended that the County immediately accept the developer's offer in order to save the house from demolition and allow it to be restored to full code compliance; therefore be it

RESOLVED, That the County Executive is authorized and empowered to convey a portion of the former Pleasant Acres mobile home park property (161.02-1-40) in the Town of Portland to Joshua & Elizabeth Ehmke, 8700 Ransom Road, Brocton, New York, on the following terms and conditions:

1. Real Property. Portion of Tax Parcel 161.02-1-40 containing a residential house and appropriate additional land as negotiated by the County Executive.
2. Purchase Price. \$1000.00
3. Renovation of Premises. As a condition of sale, the purchasers shall be obligated to renovate the existing residential house and bring it into full code compliance within 36 months.
4. Other. As negotiated by the County Executive.

Unanimously Adopted – November 18, 2009

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Cafilisch, SECONDED by Legislator DeJoe, and duly carried the meeting was adjourned. (6:46 p.m.)

Regular Legislative Meeting
Wednesday, December 16, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: Stutzman)

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

MOVED by Legislator DeJoe, SECONDED by Legislator Wilder and duly carried, the minutes were approved. (11/18/09).

1st Privilege of the Floor

Mr. Joe Pelletier: I'm with Cornell Cooperative Extension. I am here on behalf of my Board of Directors and myself to thank Legislator Wally Huckno for his years of service on our board and as you know, since he is not running again, we will no longer will have the opportunity privilege of his expertise, his insight, and of course his active participation and voice that has really helped move our organization forward. So, I am here to thank Wally for that. We do have a certificate for you Wally, a nice plaque, but unfortunately I left it back at the office. So like Santa Claus, it does exist and I will hand deliver it to your doorstep tomorrow. Thank you again on behalf of myself and the Board of Directors. (Applause).

Chairman Ahlstrom: Anyone else to speak during the first privilege of the floor? Seeing none, we will close the first privilege of the floor.

COMMUNICATIONS:

1. Letters (7) – Co. Executive Appts. – Airport Commission; Youth Board; Aging Advisory; Environmental Management; Sports Fishery Advisory; Historian's Advisory; Emergency Medical Services
2. Letter – Fn. Director Schulz – November 2009 Investment Results
3. Draft Minutes – Chaut. Co. Soil & Water Conservation District
4. Letter – Senator Young – Ack. Receipt of Motions 9 & 11-09
5. Letter – NYS Taxation & Finance – Ack. Receipt of Res. No. 194-09
6. Highlights – NYS Fish & Wildlife – 10/16/09-11/15/09

COMMENDATION:

SOUTHWESTERN SCHOOL FOOTBALL TEAM
BY LEGISLATORS WALLY HUCKNO AND CHUCK NAZZARO

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 11/18/09

RES. NO. 226-09

Confirm Re-Appointments - Chautauqua County Airport Commission

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

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

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

Sam Arcadipane
 PO Box 218
 2631 28th Creek Road
 Gerry, N.Y. 14740
 Term Expires: 12/31/11

Dan Reininga
 435 Main St.
 Dunkirk, N.Y. 14048-2720
 Term Expires: 12/31/11

Randy Woodbury
 37 E. 7th St.
 Dunkirk, N.Y. 14048
 Term Expires: 12/31/11

John Watkins
 2381 South Hill Road
 Jamestown, N.Y. 14701
 Term Expires: 12/31/11

Craig Miller
 3796 Sager Road
 Sinclairville, N.Y. 14782
 Term Expires: 12/31/11

Signed: Park, Nazzaro, Beightol, Babbage

Unanimously Adopted – December 16, 2009

RES. NO. 227-09

Confirm Appointments and Re-Appointments – North Chautauqua Lake Sewer District Board

By Public Facilities Committee:
 At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, the North Chautauqua Lake Sewer District Board has recommended the following appointments and re-appointments; 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:

New Appointments:

Marty Bova
 38 Maple Drive E.
 Mayville, N.Y. 14757 (Replaces: John Akers)
 Term Expires: 11/18/15

Michael P. McCoy
 60 E. Evans Street
 Mayville, N.Y. 14757 (Replaces Al Jones)
 Term Expires: 11/18/15

Re-Appointments

James H. Loutzenhiser – Chairman
 4956 Lake Ave.

Suzanne K. Aldrich
 6561 Lighthouse Pt. Rd. (Chautauqua)

Mayville, N.Y. 14757
 Term Expires: 7/1/11

Mayville, N.Y. 14757
 Term Expires: 7/1/15

Ronald R. McDonald
 80 Valley Street
 Mayville, N.Y. 14757
 Term Expires: 7/1/12

Wayne Dunbar
 31 Elm Street
 Mayville, N.Y. 14757
 Term Expires: 12/31/15

Signed: Park, Nazzaro, Beightol Babbage

MOVED by Legislator Kindberg, SECONDED by Legislator Cafilisch to remove the name of Michael P. McCoy –
 Unanimously Carried

Unanimously Adopted as amended – December 16, 2009

RES. NO. 228-09

Confirm Appointments and Re-Appointments – Emergency Medical Services Council

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

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

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

<u>Appointments:</u>	<u>Representing:</u>	<u>Term Expires:</u>
Timothy Bertino 254 Central Ave. Upper Back Silver Creek, N.Y. 14136	At-Large Rep.	12/31/11
Kevin Fox 9 First St. PO Box 1058 Lily Dale, N.Y. 14752	At-Large North	12/31/11
Robert Sciarrino Jr. 5413 Washington St. Ext. Ashville, N.Y. 14710	Battalion 1	12/31/11
<u>Reappointments:</u> James Hyland 101 Ounce Street Dunkirk, N.Y. 14048	North County At Large	12/31/11
Mike Sission PO Box 237 7 Academy St. Frewsburg, N.Y. 14738	Commercial Ambulance	12/31/11
Douglas E. Conroe PO Box 137 4741 Whiteside Parkway Maple Springs, N.Y. 14756	At-Large (South)	12/31/11
Jennifer (Carden) Guttman 53 Valley Street Mayville, N.Y. 14757	At-Large (North)	12/31/11
Mike Przybycien 20 W. Courtney St. Dunkirk, N.Y. 14048	Fire Service Battalion	12/31/11
Ronald Hasson 5345 Route 474 Ashville, N.Y. 14710	Education JCC (South)	12/31/11
Sam Salemme 217 Dearing Ave. Jamestown, N.Y. 14701	Career Firefighter	12/31/11
Daniel Hickman 40 Blanchard St. Jamestown, N.Y. 14701	Red Cross	12/31/11
Stanley J. Kelly PO Box 1123 Lily Dale, N.Y. 14752	At-Large Training	12/31/11
Susan Kupkowski 3507 Werle Road Dunkirk, N.Y. 14048	CISM Team	12/31/11

Signed: Duff, Huckno, Runkle, Beightol, Richmond

Unanimously Adopted – December 16, 2009

RES. NO. 229-09

Confirm Appointment & Re-Appointments - Chautauqua County Historian's Advisory Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Historian's Advisory Commission.

Appointment:

Traci Langworthy
51 Pleasantview Drive
Jamestown, N.Y. 14710 Term Expires: 12/31/12

Re-Appointments:

Peter Smith
5131 Sherman-Mayville Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/12

Andrew Nixon
CCVB (Business)
Main Gate, Rt. 394
Chautauqua, N.Y. 14722
Term Expires: 12/31/12

Joni Blackman
127 Catlin Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/12

Paul Benson
75 E. Chautauqua St.
Mayville, N.Y. 14757
Term Expires: 12/31/12

William Schnieder
PO Box 249
Panama, N.Y. 14769
Term Expires: 12/31/12

Signed: Wilder, Keefe, Huckno, Cafilisch, Barmore

Unanimously Adopted – December 16, 2009

RES. NO. 230-09

Confirm Re-Appointments – Sports Fishery Advisory Board

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

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

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

Lonnie Ray Palmer
PO Box 151
Portland, N.Y. 14769
Term Expires: 12/31/11

Monte Kennedy
5154 Bly Hill Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/11

Signed: James, Heenan, Kindberg

Unanimously Adopted – December 16, 2009

RES. NO. 231-09

Confirm Re-Appointments - Chautauqua County Environmental Management Council

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Environmental Management Council:

Robert Sundell 19 Chestnut St. Jamestown, N.Y. 14701 Term Expires: 12/31/12	Harry Centner 9761 Rt. 60 Fredonia, N.Y. 14063 Term Expires: 12/31/12
Randall S. Peterson 29 Gwendolyn Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/12	David Wilson 6978 Rt. 380 Stockton, N.Y. 14784 Term Expires: 12/31/12

Signed: James, Heenan, Kindberg

Unanimously Adopted – December 16, 2009

RES. NO. 232-09
Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Legislator James:
At the Request of County Executive Gregory J. Edwards:

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

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

Beth Oakes 2812 Hooker Road Sinclairville, New York 14782 Term Expires: 12/31/11	David A Kowalewski, Sr 7 Beach Street Fredonia, New York 14063 Term Expires: 12/31/11
David L. Larson, Ph.D. 3101 Straight Road Fredonia, New York 14063 Term Expires: 12/31/11	Ellen Coffaro 2864 W Lake Road Route 394 Ashville, New York 14710 Term Expires: 12/31/11
Martha Paulson 617 Harding Avenue Jamestown, New York 14701 Term Expires: 12/31/11	Mary Lou Costanzo 17 Logan Avenue Jamestown, New York 14701 Term Expires: 12/31/11

Russell E. Diethrick Jr.
153 Hallock Street
Jamestown, N.Y. 14701
Term Expires: 12/31/11

Signed: James, Lemon, Mueller, Kleparek

Unanimously Adopted – December 16, 2009

RES. NO. 233-09
Confirm Re-Appointment - Chautauqua County Youth Board

By Legislator James:
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointment to the Chautauqua County Youth Board.

Frank Torain
415 Mullet Street
Dunkirk, N.Y. 14048

Term Expires: 12/31/12

Unanimously Adopted – December 16, 2009

RES. NO. 234-09

Accept Funds from the Dunkirk Rotary Club for Installation of Directional Signs to the Chautauqua County – Dunkirk Airport

By Public Facilities Committee and Legislators Babbage and Park:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County – Dunkirk Airport is located in a rural area of Chautauqua County east of the City of Dunkirk; and

WHEREAS, there are very few signs or signage of any type that provide directions to the airport; and

WHEREAS, the Dunkirk Rotary Club has agreed to provide financial assistance in the amount of up to \$3,000 for the purchase and installation of Dunkirk Airport directional signs on the New York State and Chautauqua County roads and highways in the vicinity of the airport; therefore be it

RESOLVED, That Chautauqua County will accept funds from the Dunkirk Rotary Club to pay for the purchase and installation of the directional signs; and be it further

RESOLVED, That the Chautauqua County Department of Public Facilities will order and install the signs in locations designated by the Airport Manager, acceptable to the New York State and Chautauqua County Department of Highways, and compatible with applicable regulations; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.5610.5612.1	Personal Services – Dunkirk Airport	\$ 892.
A.5610.5612.4	Contractual – Dunkirk Airport	\$1,662
A.5610.5612.8	Employee Benefits – Dunkirk Airport	\$ 446
		<u>\$3,000</u>

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.5610.5612.R270.5000	Gifts & Donations – Dunkirk Airport	\$3,000
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Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Richmond, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 235-09

Adjust Accounts for the Repair of Damaged Structures and Equipment

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

WHEREAS, on December 7, 2008, a County owned storage structure collapsed; and

WHEREAS, Chautauqua County has received reimbursement from the insurance company for the value of the structure, value of lost equipment and cost of repairs on the damaged equipment; and

WHEREAS, additional funds have been realized from the sale of various equipment; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

DM.5130.----.4	Contractual – Road Machinery	\$24,565
DM.9950.----.9	Inter-fund Transfers – Transfer to Capital	\$64,471
		<u>\$ 89,036</u>

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

CS.9950.----.9	Interfund Transfers – Transfer to Capital	\$36,000
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DECREASE APPROPRIATION ACCOUNT:

CS.1931.----.4	Contractual – Property Loss	\$36,000
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INCREASE REVENUE ACCOUNTS:

DM.5130.----.R266.5000	Sale of Equipment – Road Machinery	\$ 64,471
DM.5130.----.R268.0000	Insurance Recoveries – Road Machinery	\$ 24,565
		\$ 89,036

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.5130.697.4	Contractual - Sherman Storage Building	\$106,985
H.5130.626.4	Contractual - DPF Large Equipment	<u>\$106,271</u>
		\$213,256

INCREASE CAPITAL REVENUE ACCOUNTS:

H.5130.697.R268.0000	Insurance Recoveries - Sherman Storage Bldg	\$106,985
H.5130.626.R268.0000	Insurance Recoveries – DPF Large Equipment	\$ 5,800
H.5130.626.R503.1000	Inter-fund Transfer – DPF Large Equipment	<u>\$100,471</u>
		\$213,256

Signed: Park, Nazzaro, Beightol, Babbage, DeJoe, Richmond, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 236-09

Authorize Contract and Agreements for 2008-2010 STOP DWI Plan

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, it is necessary for the effective implementation of the STOP-DWI Plan for Chautauqua County to enter into contracts and agreements with various municipalities throughout the County and to enter into memoranda of understanding with various County Departments including the Office of the Sheriff and the Probation Department; and

WHEREAS, funding for such contracts and agreements will be derived solely from STOP-DWI funds pursuant to the 2008-2010 STOP DWI Plans; therefore be it

RESOLVED, That County Executive Gregory J. Edwards is hereby authorized to execute contracts and agreements with various participating municipal corporations in Chautauqua County and County Departments for the purposes of implementing the current STOP-DWI Plan.

Signed: Duff, Huckno, Runkle, Beightol, Richmond

Unanimously Adopted – December 16, 2009

RES. NO. 237-09

Authorize Agreement with the Town of North Harmony to Provide Court Officer Services

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of North Harmony has requested that the Office of the Sheriff provide a court officer and court security services for the Justice Court in the Town; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the 2010 calendar year for a hourly rate of \$23.34 which will not exceed \$5,500.00 for that given calendar year; therefore be it

RESOLVED, That the County Executive, Gregory J. Edwards, is hereby authorized to execute an agreement with the Town of North Harmony for court security services as set forth above with the revenues there from to be credited to revenue account A.1162.1110.

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 238-09

Authorize Agreement with Town of Ripley for Enhanced Police Services

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Ripley has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2010 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ripley for services to be performed during the period from January 1, 2010 through December 31, 2010 for an estimated cost not to exceed \$28,000.00 based upon an hourly rate of \$23.34; therefore be

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

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 239-09

Authorize Agreement with Village of Brocton for Enhanced Police Services

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2010 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for services to be performed from the period of January 1, 2010 through December 31, 2010 at the hourly rate of \$23.34 and an amount not to exceed Twenty Thousand (\$20,000) Dollars; therefore be it

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

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 240-09

Authorize Agreement with Town of Dunkirk for Enhanced Police Services

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Dunkirk has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Town during the 2010 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Dunkirk for services to be performed from the period of January 1, 2010 through December 31, 2010 at the hourly rate of \$23.34 and an amount not to exceed Twenty Thousand (\$20,000) Dollars; therefore be it

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

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 241-09

Authorize Agreement with Town of Hanover for Enhanced Police Services

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Hanover has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Town of Hanover during the 2010 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Hanover for the period of January 1, 2010 through December 31, 2010, for \$328,789.18 and, as part of this agreement, the Town shall also provide fuel for the patrol vehicle used during the duration of this contract; therefore be

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

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 242-09

Authorize Agreements with Erie 2-Chautauqua-Cattaraugus BOCES, Cassadaga and Brocton Schools for Resource Officers

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

WHEREAS, The Chautauqua County Sheriff has conferred with the administrators of Erie 2 – Chautauqua – Cattaraugus BOCES, Cassadaga and Brocton Central Schools and determined that these schools and the county would benefit by the continuation of School Resource Officer program; and

WHEREAS, such school districts have agreed to compensate the County of Chautauqua for the cost providing a Deputy Sheriff; and

WHEREAS, Erie 2 – Chautauqua-Cattaraugus BOCES has agreed to compensate the County of Chautauqua for services at an amount estimated not to exceed \$155,773.00 and

Cassadaga Valley and Brocton Schools have each agreed to compensate the County at an amount estimated not to exceed \$39,879.00 for providing a Deputy Sheriff during the current school year; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; therefore be it

RESOLVED, That the County Executive be hereby authorized and empowered to execute and agreement with Erie 2 – Chautauqua – Cattaraugus BOCES, Cassadaga and Brocton Central Schools for a School Resource Officer based upon the terms and amounts set forth as negotiated by the Chautauqua County Sheriff.

Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Adopted w/ Legislator Cafilisch voting "no" – December 16, 2009

RES. NO. 243-09

Increase Revenue & Appropriations to Reflect the Sale of Emergency Service's Truck

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

WHEREAS, the Office of Emergency Services budget, per resolution 156-09, includes \$24,000 (net of the trade-in value of an existing vehicle) for the purchase of a new vehicle; and

WHEREAS, the vehicle to be traded in was sold for an amount greater than the budgeted trade-in value; and

WHEREAS, the accounts must be adjusted to increase appropriations for the full cost of the new vehicle and the receipt of revenue from the sale of a vehicle; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2009 budgetary adjustments:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.2	Equipment – Office of Emergency Services	\$ 4,455
A.3010.----.3	Depreciable Equipment – Office of Emergency Services	<u>\$ 6,000</u>
		\$10,455

INCREASE REVENUE ACCOUNT:

A.3010.----.R265.5000	Sale of Property/Comp–Office of Emergency Svc	\$10,455
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Signed: Duff, Huckno, Runkle, Beightol, Richmond, DeJoe, Nazzaro, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 244-09

Renaming the 2% Occupancy Tax Fund Established by Local Law 2-08 as the "Joseph Trusso Jr. Lakes and Waterways Fund"

By Administrative Services & Planning & Economic Development Committee:
At the Request of Legislator David Wilder:

WHEREAS, Local Law 2-08, was created by the Chautauqua County Legislature as a means to fund the promotion of tourism and convention business in the County; and

WHEREAS, the tax imposed by Local Law 2-08, commonly referred to as the "occupancy" or "bed" tax, assigns 3% of the total 5% revenue to the promotion of tourism in Chautauqua County; and

WHEREAS, the 2% portion of the imposed tax created by Local Law 2-08 has been dedicated exclusively to the enhancement and protection of lakes and waterways in Chautauqua County; and

WHEREAS, Legislator Joseph Trusso, now retired, led the fight to create this permanent funding source to protect these "waterways" he considered so important to increasing tourism and preserving for all posterity the true "jewels" of Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County legislature, shall henceforth name the 2% portion of the occupancy tax, imposed by Local Law 2-08, as the " Joseph Trusso Jr. Lakes and Waterways Fund", to be commonly known as "the Trusso Fund" in appreciation and recognition of his 36 years of service to Chautauqua County and his vision and efforts to protect our essential resources, the beautiful lakes and waterways of Chautauqua County.

(Tabled: P&E) – Signed: Wilder, Keefe, Huckno, Cafilisch, Barmore

MOVED by Legislator Cafilisch, SECONDED by Legislator Croscut to TABLE.

Carried w/ Legislators Cornell, Duff, Huckno, James, Keefe, Wilder voting "no"

RES. NO. 245-09

Authorizing Participation in Defense of Real Property Tax Assessment Challenges by Norse Pipeline, LLC

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

WHEREAS, pursuant to Resolution 216-98, the County Legislature established a policy for participation by the County in the defense of legal challenges to real property tax assessments; and

WHEREAS, said policy provides that the County shall participate in the defense of valid real property tax assessment challenges seeking an aggregate value reduction of \$1,000,000 or more; and

WHEREAS, legal challenges have been made to real property tax assessments in the Towns of Busti, Carroll, French Creek, North Harmony, Poland and Sherman and the Village of Sherman involving properties owned by Norse Pipeline; LLC and

WHEREAS, current assessments of the subject properties total \$2,859,769 in the aggregate, and the plaintiffs are seeking a reduction of their assessments to the aggregate sum of \$1, representing a total reduction of \$2,859,768; and

WHEREAS, the Real Property Tax Director of Chautauqua County is recommending that the County participate with the Towns and Village in the procurement of appraisals to be utilized in the defense of the action; therefore be it

RESOLVED, That the County Legislature hereby authorizes the County's participation in the procurement of appraisals in the defense of the aforementioned real property tax assessments in the Towns of Busti, Carroll, French Creek, North Harmony, Poland and Sherman and the Village of Sherman, with the County share of the expense to be calculated based on its proportional interest as reflected by the full value tax rate, and be it further

RESOLVED, That the County Executive or his designee is authorized and empowered to execute all documents necessary to accomplish the purposes of this resolution, including any necessary intermunicipal agreements.

Signed: Wilder, Keefe, Huckno, Cafilisch, Barmore, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 246-09

Authorizing Contract for 2010 Administration of Chautauqua County Self-Insurance Plan

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of

Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2010; and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Twenty -Two Thousand Eight Hundred Dollars (\$122,800) for the 2010 year, and to include personnel services and office expenses, and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Wilder, Keefe, Huckno, Cafilisch, Barmore, DeJoe, Nazzaro, Richmond, Gould

Unanimously Adopted – December 16, 2009

RES. NO. 247-09

Participant's Share of 2010 Chautauqua County Self-Insurance Plan Costs

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

RESOLVED, That pursuant to the Workers' Compensation Law and Local Law No. 4, Chautauqua County, New York 1984, as amended, the following amounts shall be apportioned, in 2010 to each participant based forty-four percent (44%) on 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 fifty-six percent (56%) on the loss-percentile experience of the participants as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the towns and county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2010.

Towns

Arkwright	\$22,647.85	Harmony	\$11,701.99
Busti	\$45,850.19	Kiantone	\$14,826.27
Carroll	\$16,293.76	Mina	\$31,970.71
Charlotte	\$7,034.68	N Harmony	\$30,208.44
Chautauqua	\$111,525.16	Poland	\$47,865.46
Cherry Creek	\$17,866.58	Pomfret	\$47,847.11
Clymer	\$5,998.87	Portland	\$35,170.01
Dunkirk	\$14,158.60	Ripley	\$19,348.09
Ellery	\$56,001.75	Sheridan	\$31,888.25
Ellicott	\$63,503.57	Sherman	\$3,754.14
Ellington	\$6,793.74	Stockton	\$33,161.41
French Creek	\$11,340.36	Villanova	\$5,383.36

Gerry	\$6,719.12	Westfield	\$15,454.72
Hanover	\$36,427.41		

Villages / Cities

Bemus Point	\$5,965.39	Mayville	\$18,369.10
Brocton	\$6,484.90	Panama	\$1,429.28
Cassadaga	\$3,324.95	Sherman	\$4,515.66
Celoron	\$4,302.26	Silver Creek	\$42,785.19
Cherry Creek	\$1,311.26	Sinclairville	\$1,790.45
Falconer	\$14,949.79	Westfield	\$57,583.94
Forestville	\$2,321.56		
Fredonia	\$186,753.29	Dunkirk (City)	\$204,622.52
Lakewood	\$24,641.45	Jamestown (City)	\$518,117.91
Chautauqua County	\$1,349,989.85		

Signed: Wilder, Keefe, Huckno, Cafilisch, Barmore, Gould, Richmond, DeJoe, Nazzaro

Unanimously Adopted – December 16, 2009

RES. NO. 248-09

Authorize Agreements for Program Promoting Increased Levels of Educational Attainment (Jamestown Community College)

By Legislator James:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County Department of Social Services (CCDSS) receives State and Federal reimbursement in support of staff development and training; and

WHEREAS, Jamestown Community College, (JCC) provides credit-bearing coursework, non credit bearing course-work/professional development and training, distance learning, and technical assistance to Social Services employees; and

WHEREAS, Jamestown Community College has agreed to contribute the remaining local share costs for educational costs for DSS staff; and

WHEREAS, CCDSS finds contracting with JCC appropriate and effective and desires to continue the relationship into the future; therefore be it

RESOLVED, That the County Executive is authorized to enter into annual agreements with Jamestown Community College for the purpose of promoting increased levels of educational attainment for as long as the funding is available to support this project.

Signed: James, Lemon, Mueller, Kleparek

Unanimously Adopted – December 16, 2009

RES. NO. 249-09

Adjust 2009 Health Department Accounts

By Legislator James:
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Health Department wishes to purchase new office furniture for certain nursing areas to improve efficiencies, maximize floor space, and free up clinic space; laptops to utilize Early Intervention Nurse Service Coordinators' field and office time more efficiently; and to replace worn, ripped, 15-year-old carpeting; and

WHEREAS, the Health Department has surpluses in some administrative appropriations and desires a transfer of funds to the account class under which the above mentioned equipment can be purchased; and

WHEREAS, some expenditures in Health Department appropriations (other than administration) have exceeded initial budgetary estimates while other appropriations have surpluses; therefore be it

RESOLVED That the Director of Finance be and hereby is directed to make the following changes to the 2009 budgetary accounts:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.2	Equipment – Public Health Administration	8,500
A.4010.----.3	Depreciable Equipment – Public Health Administration	18,000
A.4010.HE.4	Contractual – Health Education	3,500
A.4035.----.5	Fixed Contractual – Family Health/Plan Services	1,000
A.4189.LEAD.5	Fixed Contractual – Other Public Health (Lead)	<u>500</u>
		31,500

DECREASE APPROPRIATION ACCOUNTS:

A.4010.----.4	Contractual – Public Health Administration	10,000
A.4010.HE.5	Fixed Contractual – Health Education	3,500
A.4010.NURS.5	Fixed Contractual – Nursing	5,000
A.4035.----.2	Family Health/Plan Services	700
A.4035.----.4	Contractual – Family Health/Plan Services	1,000
A.4042.----.4	Contractual – Rabies Control	4,800
A.4070.----.4	Contractual – TB Testing	6,000
A.4189.LEAD.4	Contractual – Other Public Health (Lead)	<u>500</u>
		31,500

Signed: James, DeJoe, Nazzaro, Richmond, Gould, Lemon, Mueller, Kleparek

Unanimously Adopted – December 16, 2009

RES. NO. 250-09

Accept Grant Funding and Increase Appropriation Accounts for Capacity Building for Public Health Partners

By Legislator James:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Health Department has awarded \$34,000 in grant funding to the Chautauqua County Health Department for Capacity Building for Public Health Partners for the period 8/1/09 to 3/31/10; and

WHEREAS, the Health Department desires to participate in this public health initiative as the emphasis is on prevention strategies to improve the health of all New Yorkers and to foster healthy communities. Chronic disease, physical activity and nutrition, healthy environments, and healthy mothers, babies and children are among the ten (10) identified priority areas; and

WHEREAS, the grant contract was received by the Health Department on December 4th and the grant funds must be spent by 3/31/10; and

WHEREAS, the 2010 Chautauqua County Adopted Budget does not include funding for the 2010 portion of these grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by these programs, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with agencies, organizations, school districts and other municipal entities as necessary to carry out the objectives and requirements of these grant programs; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Public Health	10,000
A.4010.HE.4	Contractual – Public Health	11,000
A.4010.----.8	Fringe Benefits – Public Health	3,000
		<u>24,000</u>
INCREASE REVENUE ACCOUNT:		
A.4010.HE.R345.0HH	New York State Aid	24,000

Signed: James, DeJoe, Nazzaro, Richmond, Gould, Lemon, Mueller, Kleparek

Unanimously Adopted – December 16, 2009

RES. NO. 251-09

Designate Chautauqua County Legislature as Lead Agency Under SEQRA for the Review of Chautauqua County Agricultural District #1, Towns of Westfield, Ripley, and Portland

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

WHEREAS, Chautauqua County Agricultural District # 1, (Towns of Westfield, Ripley and Portland) is undergoing the District's 8-year review as required pursuant to Article 25-AA of the New York State Agriculture and Markets Law; and

WHEREAS, the Chautauqua County Legislature's decision to consider modifications to the existing Agricultural District # 1 is discretionary and subject to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, as the single agency directly undertaking the action to consider the continuation, modification or termination of Chautauqua County Agricultural District # 1, the County must comply with the provisions of the State Environmental Quality Review Act and applicable regulations; therefore be it

RESOLVED, That the Chautauqua County Legislature will act as the Lead Agency for the review process pursuant to 6NYCRR Part 617 and, as Lead Agency, will undertake compliance with SEQRA requirements during the Agricultural District # 1 review process.

Signed: James, Heenan, Kindberg

Unanimously Adopted – December 16, 2009

RES. NO. 252-09

Authorizing Purchase of CCIDA Bonds

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

WHEREAS, pursuant to Sections 864 and 872 of New York State General Municipal Law, the County of Chautauqua Industrial Development Agency (CCIDA) is authorized to issue negotiable bonds for industrial development purposes and the County is authorized to purchase such bonds; and

WHEREAS, CCIDA intends to issue bonds in the amount of \$700,000 to assist in the financing, maintenance, and development of the former SYSCO Warehouse/Distribution Facility in the Town of Ellicott, and it is desirable and appropriate for the County to further the industrial development efforts of CCIDA by purchasing said bonds; therefore be it

RESOLVED, That the County Executive and Director of Finance are hereby authorized and empowered to purchase up to \$700,000 in CCIDA bonds issued for the financing, maintenance, and development of the former SYSCO Warehouse/Distribution Facility in the Town of Ellicott, on the following terms and conditions:

1. Term. Five (5) years
2. Interest Rate. Five percent (5%)
3. Other. As negotiated by the County Executive.

Signed: James, Heenan, Kindberg, DeJoe, Nazzaro, Richmond, Gould

MOVED by Legislator Kindberg, SECONDED by Legislator Croscut to amend as follows:

Add: and Lease of Project Facility at the end of the title.

Add 3rd WHEREAS: WHEREAS, it would be advantageous for the County to lease the project facility pending its sale of assist CCIDA in the securing and marketing of the site: therefore be it

Add 2nd RESOLVED: RESOLVED, That pending the sale or other disposition of the project facility, the County Executive is authorized and empowered to enter into a lease of the facility from CCIDA for \$1 per year and upon such other terms and conditions to be negotiated by the County Executive.

Unanimously Adopted as amended – December 16, 2009

RES. NO. 253-09

Amend Resolution #181-09 – 2009 Bed Tax Distribution – 2% Lakes and Waterways Funding

By Planning & Economic Development Committee:
At the Request of Legislators Kindberg and Croscut:

WHEREAS, pursuant to Section 2.05(c) of the Chautauqua County Charter, the County Legislature is empowered to adopt general policy for County government; and

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 2 of Local Law 2-08 provides that the purpose of the adoption of the tax is to promote Chautauqua County in order to increase tourism and convention business in the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j(9) of the New York state Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-

fifths of such revenue (original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (by the new 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua county pursuant to programs authorized by local law; and

WHEREAS, a budgetary process is necessary to allocate the limited resources generated by the revenues over three-fifths (by the new 2% tax) to ensure distribution to the highest priority projects related to the enhancement and protection of lakes and streams: therefore be it

RESOLVED, That the Chautauqua County legislature establishes the following policy guidelines for the allocation of occupancy tax revenue over three-fifths (by the new 2% tax) generated by Local Law 2-08:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by 45% ~~\$82,500~~ of the occupancy tax for lakes and streams, ~~unless projected revenues do not adequately fund the position. In the case where 15% of the bed tax revenues are insufficient to cover the costs of the position, additional revenues from the 2% occupancy tax shall be utilized to fund the shortfall.~~ All funds not utilized annually shall be returned to the reserve fund for lakes and streams.
2. Maintenance of the waterways through harvesting of aquatic vegetation shall be funded through the provision of funding to the following organizations:
 - a. Chautauqua Lake Association – \$45,000.00.
 - b. Findley Lake Association - \$5,000.00.
 - c. Cassadaga Lake Association – \$2,000.00.
 - d. Bear Lake Association - \$500.00.
3. The balance of the occupancy tax revenues generated over three-fifths by the new 2% tax shall be utilized to enhance and protect the lakes and streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:
 - a. A seven (7) member Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and stream protection and enhancement projects submitted to the Legislative Planning and Economic Development Committee annually. The Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.
 - b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters

established by the Legislative Committee. These parameters shall include that the purchase of any property is not eligible as a project to be funded by the 2% Lakes and Waterways Bed Tax unless said purchase is proposed as a means of protecting wetlands. In such case, only parcels comprised of 100% wetlands will be considered, and the sponsoring agency must agree to a 3-year PILOT providing 100% of the assessed taxes the first year, 75% the second year,

Deletion indicated by strikethrough, new language underlined
and 50% the third year. The Waterways panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.

- c. All requests shall be initially ranked on a "Waterways Ranking Form" prior to final prioritization and recommendations by the Waterways Panel to the Legislative Committee.
- d. If during annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information surface that prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project.

If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and waterways.

Signed: James, Heenan, Kindberg, DeJoe, Nazzaro, Richmond, Gould

MOVED by Legislator Croscut, SECONDED by Legislator Cafilisch to remove the underlined language in 3B – Unanimously Carried

Unanimously Adopted as amended – December 16, 2009

EMERGENCY RESOLUTIONS:

RES. NO. 254-09

Making Appropriations for the Conduct of County Government for Fiscal Year 2010

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2010 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 213-09 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 213-09 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, 2010; therefore be it

New Language indicated by underline

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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 255-09
 Authorize Tax Levy

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, there has been adopted a budget for the fiscal year of 2010; and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2010; 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 247-09 adopted December 16, 2009;
5. Upon the property on which school taxes are uncollected as of November 31, 2009, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2009, 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 2010 pursuant to law or resolution of this Legislature.

Signed: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 256-09
Authorize Levy of Town Taxes

At the Request of Chairman Keith D. Ahlstrom:

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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 257-09
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Keith D. Ahlstrom:

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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 258-09
Authorize Levy of Omitted Taxes

At the Request of Chairman Keith D. Ahlstrom:

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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 259-09
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2010 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 2010 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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 260-09
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2010 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 2010 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: Ahlstrom

Unanimously Adopted – December 16, 2009

RES. NO. 261-09
Authorize Levy of Unpaid Sewer User Charges & Civil Penalties –North, South Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Keith D. Ahlstrom:

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: Ahlstrom
 Unanimously Adopted – December 16, 2009

RES. NO. 262-09
 Fixing Equalization Rates for 2010

At the Request of Chairman Keith D. Ahlstrom:

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 2010 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2010 tax rolls in the following towns and cities:

Arkwright	61.75%	Harmony	99.00%
Busti	100.00%	Jamestown, City	100.00%
Carroll	100.00%	Kiantone	99.00%
Charlotte	80.10%	Mina	100.00%
Chautauqua	93.50%	North Harmony	100.00%
Cherry Creek	76.00%	Poland	100.00%
Clymer	74.88%	Pomfret	20.44%
Dunkirk, Town	82.25%	Portland	65.50%
Dunkirk, City	89.50%	Ripley	100.00%
Ellery	75.50%	Sheridan	67.50%
Ellicott	100.00%	Sherman	100.00%
Ellington	100.00%	Stockton	95.00%
French Creek	100.00%	Villanova	77.00%
Gerry	90.20%	Westfield	84.00%
Hanover	100.00%		

Signed: Ahlstrom

Unanimously Adopted – December 16, 2009

LOCAL LAW
 INTRODUCTORY NUMBER 9-2009
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 2-08 OF THE COUNTY OF CHAUTAUQUA IMPOSING A TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS

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

Section 1. Purpose. Pursuant to a home rule request by the Chautauqua County Legislature, the New York State Legislature adopted Chapter 130 of the Laws of 2009 authorizing the County of Chautauqua to continue a 5% tax on the occupancy of hotel or motel rooms through November 30, 2011. This local law amends Local Law 2-08 of the County of Chautauqua to confirm the extension of the 5% occupancy tax through November 30, 2011.

Section 2. Amendments.

a. Section 3(2) of Local Law 2-08 of the County of Chautauqua entitled Imposition of Tax is hereby amended to provide that the occupancy tax of five percent (5%) shall continue to be imposed until November 30, 2011. Thereafter, the occupancy tax imposed shall continue to be the percentage amount authorized by the New York State Legislature.

b. Section 3(12) of Local Law 2-08 of the County of Chautauqua entitled Disposition of Revenues is hereby amended to provide that all revenues resulting from the imposition of the occupancy tax of five percent (5%) shall continue to be allocated until November 30, 2011 in the manner authorized by Chapter 686 of the Laws of 2007 of the State of New York and such resolutions as may be adopted by the County Legislature. Thereafter, all revenues resulting from the imposition of the occupancy tax shall continue to be allocated in the manner authorized by the New York State Legislature and such resolutions as may be adopted by the County Legislature.

All other provisions of Local Law 2-08 of the County of Chautauqua shall remain in full force and effect.

Section 3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Letter of Necessity: 12/16/09
 Adopted by Legislature: 12/16/09
 Public Hearing: 12/28/09
 Adopted as LL 6-09

R/C Vote: 24 Yes; 1 Absent

RECOGNITION OF OUTGOING LEGISLATORS

WHEREAS, The Honorable Chuck Cornell has represented District 12 on the Chautauqua County Legislature from 2006 through 2009, and

WHEREAS, Legislator Cornell served as the Majority Leader of the Chautauqua County Legislature in 2006 and 2007, and

WHEREAS, Legislator Cornell also served on the Audit & Control and Planning & Economic Development Committees during his tenure on the Legislature, and

WHEREAS, Legislator Cornell is known for his service to his constituents in the City of Jamestown, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

Chuck Cornell

For his years of hard work, dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

WHEREAS, The Honorable Tina M. Hallquist has represented District 13 on the Chautauqua County Legislature from 2006 through 2009, and

WHEREAS, Legislator Hallquist has served on the Chautauqua County Legislature Public Safety and Planning & Economic Development Committees during her tenure, and

WHEREAS, Legislator Hallquist is known for her service to her constituents in the City of Jamestown therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

Tina M. Hallquist

For her years of hard work and dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

WHEREAS, The Honorable Wally J. Huckno Sr. has represented District Ten on the Chautauqua County Legislature from 2000 through 2009, and

WHEREAS, Legislator Huckno served on the Chautauqua County Legislature Administrative Services, Financial Management, Audit & Control and Public Safety Committees, and

WHEREAS, Legislator Huckno is known for his service to his constituents in the Towns of Busti and Ellicott, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

Wally J. Huckno Sr.

For his years of hard work and dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

WHEREAS, The Honorable Stephen W. Keefe has represented District 25 on the Chautauqua County Legislature from 2000 through 2009, and

WHEREAS, Legislator Keefe served on the Chautauqua County Legislature Administrative Services and Human Services Committees throughout his tenure on the Legislature, and

WHEREAS, Legislator Keefe is known for his service to his constituents in the Town of Pomfret, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

Stephen W. Keefe

For his years of hard work and dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

WHEREAS, The Honorable David Kleparek has represented District 24 on the Chautauqua County Legislature from 2008 through 2009, and

WHEREAS, Legislator Kleparek served as the Assistant Majority Leader in 2008 and as a member of the on the Legislature's Public Facilities and Human Services Committees during his tenure, and

WHEREAS, Legislator Kleparek is known for his service to his constituents in the Town of Pomfret, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

David Kleparek

For his years of hard work, dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

WHEREAS, The Honorable David T. Wilder has represented District 4 on the Chautauqua County Legislature from 2006 through 2009, and

WHEREAS, Legislator Wilder has served on the Chautauqua County Legislature Administrative Services Committee during his tenure, and

WHEREAS, Legislator Wilder is known for his service to his constituents in the Town of Hanover, therefore be it

RESOLVED, That the Chautauqua County Legislature hereby commends:

David T. Wilder

For his years of hard work, dedication, service and leadership and for the energy and commitment to Chautauqua County he exhibited while serving with distinction as a member of the Chautauqua County Legislature.

MEMORIALS

**Memorial for
Alfred F. Jones
1924-2009**

- Alfred F. Jones, 85, of 4909 West Lake Road, Mayville, N.Y., died unexpectedly Tuesday, August 4, 2009 at Westfield Memorial Hospital.
- Born April 12, 1924 in Mayville, the son of the late Alfred J. and Anna Moran Jones.
- He was a Veteran of the US Army serving in WWII with the 751st Tank Battalion as the Tank Commander.
- Al was Superintendent of Buildings & Grounds for Chautauqua Central School for more than 40 years; in charge of the Chautauqua Cemetery for 20 years; a Town Justice for the Town of Chautauqua for 15 years; a Chautauqua County Legislator for 8 years serving District 20 where his efforts were instrumental in the completion of the Interstate 86 expressway. He championed the slogan for that called "The Missing Link" and received a Certificate of Merit from Jess Present for "Leadership, Vision, Dedication, and Perseverance" regarding the completion of the Interstate 86 Expressway. While on the Legislature he was Chairman of the

Judicial and Public Safety Committee for 4 years, Vice Chairman on Finance for 4 years, along with serving on Ag. & Community Development, Personnel & Governmental Affairs, and Public Works.

- A member of the St. Paul's Episcopal Church in Mayville where he was a former Warden. A life member of both the American Legion and the VFW, former Boy Scout Leader, past President of the NYS Association for Superintendents of School Buildings and Grounds, founded the Youth Recreation Program for Chautauqua Central School, and an advisory for Camera Club, golf team, and yearbook staff. Was the first President of the Chautauqua Fire Department and was recognized in 2009 for his 60 years of service to the fire department. A member and past Master of Peacock Masonic Lodge in Mayville and a grand sword bearer for Chautauqua District of the Masonic Lodge, named Senior Citizen of the Year by the United Senior Council, past Chairman of TRIAD, and had been Chairman of the North Chautauqua Lake Sewer Board.
- Al loved hunting, fishing, golf and spending time with his family.
- Al is survived by his wife Juline "Judy" Kinder Jones, whom he married May 11, 1946; two daughters, one son, 6 grandchildren, 7 great-grandchildren; one sister, and 8 nieces and nephews. He was preceded in death by his parents and one sister.
- Al was laid to rest at the Chautauqua Cemetery.

**Memorial for
Frederick E. Mattison
1915-2009**

- Frederick E. Mattison, 93, of Falconer, died Thursday, April 2, 2009 in Heritage Village Rehab and Skilled Nursing Center.
- Born October 13, 1915, in Bemus Point, the oldest son of the late Thomas P. and Ruth Fuller Mattison.
- A member of the NY National Guard, Co. E 174th Infantry from 1933-1935.
- Graduated from Falconer High School and Surety School, Hartford Conn. in 1935. In 1936, he graduated from Simons School of Mortuary Science, Syracuse, N.Y. and received his Funeral Director's license in 1937.
- In 1936, he owned and operated the Falconer Funeral Home until his retirement in 1979. He was past President & member of the Chautauqua County Funeral Directors' Association and life member of the NYS Funeral Director's Association.
- Served on the Falconer School Board in the 1940's, a member of the Ross Grange 305, and Lakewood Rod & Gun Club. He was secretary/treasurer of the Pine Hill Cemetery Association from 1950 to 1987.
- He served as a Chautauqua County Coroner from 1952 to 1958. A Supervisor for the Town of Ellicott from 1958 to 1972. Member of the Chautauqua County Board of Supervisors from 1958 to 1971. While on the Board of Supervisors he served on 28 committees, 9 of which he served as Chairman throughout the years. He was credited by the late John Luensman with moving the concept of planning and development into being a functional part of County government by passing resolutions that spelled out the first years of activity and a goal structure for the department, enabling the County and local governments to take advantage of grants and low-cost loans when they became available.
- He was an active member of the Kennedy and Falconer Volunteer Fire Departments, the Falconer Exempt Fireman and a life member of the Falconer Hose Company, Southwestern Volunteer Fireman's Association and Chautauqua County Fireman's Fraternity and past President of the Chautauqua County Fireman's Association.
- A charter member and first President of the Falconer Rotary Club, founded in 1938. Served as Secretary for 47 years and was awarded 2 Paul Harris Fellows of Rotary International by the club. In 2001, Falconer Rotary awarded him an honorary life membership. He joined the Kennedy Lodge 533 I.O.O.F., later transferring to Chadakion Lodge 130 in Falconer where he was a member and Past Grant. He received a 60 year membership pin in 1995. In 1947 he served at the District Deputy Grand Master for Chautauqua District 1 I.O.O.F.
- Married Florence Alexis on December 30, 1937 She later died on October 14, 2006. He is survived by a daughter, Valerie Rabian of Wilmington, DE, and a son, Gary Mattison (Linda) of Millersburg, Ohio. Also survived are 8 grandchildren, 17 great-grandchildren, and a sister Martha J. Mattison of Jamestown.
- Preceded in death by one brother and four sisters.

- Frederick E. Mattison was laid to rest at Pine Hill Cemetery in Falconer.

**Memorial for
Louis A. Piede
1923-2009**

- Louis A. Piede, 85, of Burgess St., Silver Creek, died Thursday, March 5, 2009 at the Chautauqua County Home in Dunkirk, N.Y.
- Born on September 14, 1923, son of the late Joseph and Josephine (Vento) Piede.
- A graduate of Silver Creek High School in 1942 and attended the University of Buffalo.
- He served in WWII with the US Marines as an S/SGT in the Pacific Theater, with duty stations in the Philippine Island, Guadalcanal, Iwo Jima & Okinawa. He was later re-activated for the Korean War where he served as a MSGT and continued to serve in the US Marine Corps Reserve for 26 years retiring as a 1SGT of a Helicopter Squadron based at Niagara Falls.
- During his 45 year working career, he worked for the Silver Creek Post Office, an office manager for the former Queen City Redi-Mix Company, and as a Comptroller for the Cryer Insurance Agency. He also worked as an Insurance Agent for Prudential Insurance Company in Dunkirk for 19 years, retiring in June of 1990.
- Lou was actively involved in his community where he was a lifetime member of Our Lady of Mt. Carmel RC Church Silver Creek, where he was a member of the Knights of Columbus, life member of Samuel Cimino VFW Post #6472, Silver Creek where he served as Commander, member of the American Legion, the Marine Corps League, Loyal Order of the Moose, and the Lakewood Rod & Gun Club.
- He served on the Silver Creek School Board for 13 years where at one time he served as President. Member of the Town of Hanover Democratic Club, serving three terms as a Chautauqua County Legislator, from 1984 to 1989. While on the Legislature, he served on the Finance, Judicial & Public Safety, Human Services, Personnel & Governmental Affairs, and Public Works Committees.
- Surviving include his devoted wife of 62 years, Geraldine (Langworthy) Piede of Silver Creek whom he married November 12, 1946; two sons; Duane L.(Deborah) Piede of Walworth, NY; James P. (Edda) Piede of Fredonia; and a daughter, Pamela (Gary) Suber of Greensboro, N.C. One brother and three sisters. Also surviving are 8 grandchildren, 9 great-grandchildren and several nieces and nephews.
- Besides his parents, he was predeceased by two brothers and three sisters.
- Lou was laid to rest at the Mr. Carmel Cemetery, Silver Creek. NY

2nd Privilege of the Floor

Mr. Fred Larson, 641 Lakeview Ave., Jamestown, N.Y. I have come up here tonight to offer praise to two of our Legislators who are leaving this body voluntarily tonight. But before I do, your memorials this evening, jogged my memory to make a few comments. I was fortunate enough to serve in this body with Lou Piede and Al Jones. Lou Piede was a true gentleman and just a really good guy and was an honor serving with him in and at every meeting.

Al Jones and I in the last 1980's were made co-chairs of the Rt. 17 Expressway Committee. A committee that was established by the County Legislature. Al and I worked on that together and worked very hard and the fruits of our labor came in 1991 when Congress passed and the President signed the Highway Transportation Bill of 1991 which provided the Federal money to finish Rt. 17 from the Chautauqua Lake bridge to the Pennsylvania State line. So, it brings back memories of two fine gentleman.

The two Legislators that I want to honor tonight. They exemplify the two different main roles of the County legislature. Legislator Huckno had a story in the Post Journal about him recently and he said that the part of being a Legislator that meant the most to him was helping individual constituents who were having trouble, there were problems, they didn't know how to navigate government and he found great satisfaction in helping out individuals work their way through government. That kind of constituent service is a very important part of being an elected legislator. The other Legislator leaving this body voluntarily tonight and he happens to be my Legislator, Chuck Cornell. Chuck exemplifies a different role of the County Legislator and I think it's a harder role often and it was a role that was envisioned for this body by the last Charter Review Commission back in the late 90's and that is the role of setting policy, making policy. Very difficult to do. You look at your agenda tonight, it's a typical agenda. Almost everything is at the request of the County Executive. The Legislature making policy,

setting policy has proven to be a very difficult thing to do. But in Chuck Cornell's time here as a Legislator, he had led this body to make policy in a number of very important areas and I will just mention two. Now that we're apparently into heating season again, it's a little nippy out there tonight, the fact that Chuck Cornell was a leader in this body to eliminate our sales tax on home heating fuel, will mean more to people than it did in July. For a typical home, it might save somebody \$20/\$25 a month in the winter and that is significant. The second thing is, the County, as we know, we don't have Countywide zoning, we don't have Countywide building code enforcement or anything, that is up to our towns, villages, and cities. But Chuck Cornell as a Legislator, prodded and pushed and led this County government to pay more attention the deplorable conditions of a lot of the housing in our County. It is not just cities. It's rural and it's suburban townships as well and for that policy making role, I just wanted to thank him as my Legislator and on behalf of people across Chautauqua County. So to both Legislator Huckno for dedication to constituents service and Chuck Cornell for dedication to try and make policy as a Legislator and encourage this body to fulfill that role that the Charter Commission envisioned for this body, I would have been remised if I did not take the time to come up tonight to compliment them both.

MOVED by Legislator Cafilisch, SECONDED by Legislator Wilder and duly carried the meeting was adjourned.
(7:42 p.m.)