

CHAUTAUQUA COUNTY LEGISLATURE 03/24/2010

RES. NO. 49-10

Appointment of David L. Himelein as Legislator from District 21, Towns of French Creek, Mina and Parts of Clymer and Ripley

At the Request of Legislator Fred Croscut:

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the resignation of James E. Caflisch, District 21; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative District 21, (Towns of French Creek, Mina and Parts of Clymer and Ripley) Committees recommending the appointment of David L. Himelein of 2153 Shadyside Rd., Findley Lake, N.Y.; and

WHEREAS, a Certificate of Acceptance has been received from David L. Himelein; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, David L. Himelein is hereby appointed Legislator from District 21, comprised of the Towns of French Creek, Mina and Parts of Clymer and Ripley.

Signed: Croscut

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RES. NO. 50-10

Confirm Re-Appointment – Parks Commission

By Public Facilities Committee:

At the Request of Chairman Keith D. Ahlstrom and Legislator Jay Gould:

WHEREAS, Chairman Keith D. Ahlstrom, has submitted the following re-appointment for action by the Legislature; now therefore be it

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

Howard I. Brook

211 Myrtle Street

Jamestown, NY 14701 Term Expires: 12/31/12

Signed: Barmore, Babbage, Stewart

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RES. NO. 51-10

Confirm Appointment – Chautauqua County Soil & Water Conservation District Board

At the Request of County Executive Gregory J. Edwards and Legislator Croscut:

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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 Soil and Water Conservation District Board:

Shaun Heenan                      Legislative Appointment  
89 Seel Acres  
Dunkirk, N.Y. 14048              Term Expires: 2/28/11  
Signed: Croscut

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RES. NO. 52-10

Confirm Appointment – 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 for action by the Chautauqua County Legislature; therefore it be

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Historian's Advisory Commission.

Larry Barmore  
PO Box 245  
Gerry, N.Y. 14740              Term Expires: 2/28/13  
Signed: DeJoy, Scudder, Barmore, Caflisch, Gullo

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RES. NO. 53-10

Confirm Appointment – Sports Fishery Advisory Board

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Gregory Little  
37 Sinclair Drive  
Sinclairville, N.Y. 14782      Term Expires: 2/28/12  
Signed: Heenan, Tarbrake, Park

RES. NO. 54-10  
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 17, 2010 through Saturday May 8, 2010, 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: Barmore, Babbage, Stewart

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RES. NO. 55-10

Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid Eligible Costs, of a Transportation Federal Aid Project, to Fully Fund the Local Share of Federal Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) phase of the project PIN 5759.10; and

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

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RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase of the Project (\$17,000.00) or portions thereof; and it is further

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following budgetary changes to cover the cost of participation in the above phase of the Project:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual-Highway Improvements	\$15,300
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INCREASE CAPITAL REVENUE ACCOUNT:

D5112.R458.9002	Surface Transportation Program	\$15,300
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and it is further

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

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

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

RESOLVED, This Resolution shall take effect immediately.

Signed: Barmore, Babbage, Stewart, Park, Nazzaro, Gould

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RES. NO. 56-10

Authorizing Automobile Rental Lease Agreement w/ Johnstown Rental & Leasing d/b/a/ Hertz Rent-A-Car at the Chautauqua County Airport at Jamestown

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

WHEREAS, renewal of a non-exclusive automobile rental concession lease agreement with Johnstown Rental & Leasing d/b/a/ Hertz Rent-a-Car will promote the smooth and efficient operation of the airport; and

WHEREAS, THE Chautauqua County Airport Commission has approved and recommended renewal of the agreement; and

WHEREAS, the portion of the airport terminal building and parking lot covered by the proposed concession agreement is not required for public use; and

WHEREAS, the necessary public hearing has been held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the automobile rental concession lease agreement at the Chautauqua County Airport at Jamestown on substantially the following terms and conditions:

1. Premises: Counter space in the airport terminal. Five parking spaces in the ready lot, and an additional 15 parking spaces in the public lot.
2. Rent: Ten (10) percent of gross revenues, \$125 month for counter space, and \$10/month for trash pickup. Hertz Rent-a-Car may park fifteen cars in the public parking area free of charge; thereafter, a charge of \$5.00 per car per day applies.
3. Term: January 1, 2010 to December 31, 2012.
4. Utilities: Paid by the county.
5. Other: As negotiated by the County Executive.

Signed: Nazzaro, DeJoe, Babbage, Barmore, Beightol, Park, Nazzaro, Gullo, Gould

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RES. NO. 57-10

Authorizing Amendment of Lease Agreement with New York RSA No. 3 Cellular Partnership, a New York Partnership, d/b/a Verizon Wireless ("Verizon Wireless")

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Verizon Wireless' predecessor in interest, Rochester Tel Mobile Communications, entered into that certain Lease Agreement dated July 7, 1995, as amended by that certain Amendment No. 1 to Lease dated January 17, 2002 (as amended, the "Lease"), to install communications equipment and antennas at a County-owned tower located on Harrington Hill Road in the Town of Mina (Tax Parcel No. 377.00-2-29) (the "Property"); and

WHEREAS, the Lease had an initial term of five (5) years, from July 1, 1995 to June 30, 2000, together with two (2) five (5) year renewals, the second of which is due to expire on June 30, 2010; and

WHEREAS, the County of Chautauqua (the "County") and Verizon Wireless desire to amend the Lease to extend the term of the Lease and to set forth the rent due during such extension; and

WHEREAS, the space located on the County's tower which is occupied by Verizon Wireless is not needed for a public purpose; and

WHEREAS, it is desirable and appropriate for the County to continue to lease such space to Verizon Wireless; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an Amendment No. 2 to Lease Agreement ("Amendment") with Verizon Wireless to amend the Lease on substantially the following terms and conditions:

1. Term. Five (5) year extension term beginning on the Effective Date of the Amendment, with three (3) additional five (5) year renewals.
  2. Rent. \$12,000.00 annually, with an annual increase of three (3) percent. Free local cellular telephone service provided to the Sheriff's Department by Verizon Wireless will cease as of the Effective Date of the Amendment as a result of this increased rent, but the free telephone number for use in accessing the Sheriff's Department directly will continue unchanged.
  3. Other. As negotiated by the County Executive and the Sheriff's Department.
- Signed: Park, Nazzaro, Gould (Tabled at P.S.)

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RES. NO. 58-10  
2008 Citizen Corps Grant Award Appropriation of Funds

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

WHEREAS, SEMO has approved Chautauqua County Office of Emergency Services application for the use of the Citizen Corps Council funds, up to \$79,838.04, for the period September 1, 2008 thru August 31, 2011 of which \$62,260.54 will be used in 2010; and

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

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

RESOLVED, that the Director of Finance is hereby directed to make the following 2010 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4 Contractual – Emergency Services \$62,260

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004 Federal Aid - Homeland Security \$62,260  
Signed: Duff, Stewart, Richmond, Runkle, Croscut, Park, Nazzaro, Gould

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RES. NO. 59-10  
2009 Technical Rescue/USAR 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 Technical Rescue/USAR Grant in the amount of \$57,575.00 under the Office of Homeland Security that runs from August 1, 2009 through July 31, 2012; and

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

RESOLVED, That the County Executive is hereby authorized to sign the necessary contracts to accept the award, and be it further

RESOLVED, That the Director of Finance is directed to make the following 2010 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3625.----.2 Equipment – Technical Rescue \$ 45,575  
A.3625.----.3 Depreciable Equipment - Technical Rescue \$ 12,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3625.----.R430.5004 Fed Aid: Homeland Security Program \$ 57,575  
Signed: Duff, Stewart, Richmond, Runkle, Croscut, Park, Nazzaro, Gould

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RES. NO. 60-10  
Authorize Acceptance of Grant from Violence Against Women Recovery Act

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:



WHEREAS, the State Department of Transportation has now determined a portion of land consisting of 10,906 square feet of the above mentioned property shown as parcel 21 on Map No. 19-C of New York State Department of Transportation Conveyance Map may be surplus to State Highway needs and may abandon their jurisdiction over said land; and

WHEREAS, Michael Logan and Annette Logan own land adjacent to the premise shown on Map 19-C and located on the south side of State Route 5 & 20 in the Town of Hanover and designated parcel 21; and

WHEREAS, a portion of the building and parking lot owned and constructed by the Logans encroaches on said parcel 21 of Map 19-C and the owners are desirous of having Chautauqua County convey its interest in said parcel to them as adjacent owners in order to eliminate such encroachment and quiet title to the premises occupied by such structure and parking lot; and

WHEREAS, the New York State Department of Transportation has completed necessary surveying and mapping required to determine whether such property can be abandoned as surplus; and

WHEREAS, Section 65 of the Highway Law authorizes the governing body, where it has acquired lands by purchase or condemnation as a right-of-way for a state highway, to grant to the adjacent property owners so much of such land that may be unnecessary for highway purposes with the consent of the commissioner of transportation and provided that such land provides frontage on said highway; and

WHEREAS, parcel 21 of Map No. 19-C meets such conditions and qualifies for disposition; therefore be it

RESOLVED, That the governing body of Chautauqua County, approves the abandonment of such parcel in the matter of NYS Surplus Property Case #05-III-2463 in the Town of Hanover and authorizes the grant and conveyance of the parcel described on the attached conveyance map by quit claim deed to petitioners and adjacent owners, Michael Logan and Annette Logan, P.O. Box 62, Silver Creek, New York conditioned upon receipt of the final approval of the State of New York Department of Transportation acting by and through the Department's Property Executive Review Group (PERG); and be it further

RESOLVED, That the Legislative Clerk is hereby authorized to execute Conveyance Map 19-C as evidence of this approval and forward a certified copy of this resolution to the appropriate office of the New York State Department of Transportation.

Signed: DeJoy, Scudder, Barmore, Caflisch - No: Gullo

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RES. NO. 62-10

Environmental Assessment for Agricultural District NO. 1 in the Towns of Westfield, Ripley and Portland

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

WHEREAS, pursuant to 6 NYCRR 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of consolidation and modification of Agricultural District No. 1 with respect to the Towns of Westfield, Ripley and Portland; 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 has determined that continuation and modifications as proposed for Agriculture District No.1 in the Towns of Westfield, Ripley and Portland will not have a significant environmental impact and the County Executive is hereby authorized to execute a "Negative Declaration" for the proposed action.

Signed: Park, Heenan, Tarbrake

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RES. NO. 63-10

Determination of Chautauqua County Legislature on Statutory Review and Proposed Modifications of Chautauqua County Agricultural District #1 in the Towns of Westfield, Ripley and Portland

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Article 25AA of the Agricultural Districts Law and notification by New York State Department of Agriculture and Markets, the Chautauqua County Agricultural District # 1, in the Town of Westfield, was due for an 8-year statutory review and such review process was referred to the County Farmland Protection Board (FPB) after submission to the Legislature; and

WHEREAS, the Chautauqua County Agricultural Districts # 3 and 4, in the Towns of Ripley and Portland respectively, were also due for an 8-year statutory review and also referred to the County Farmland Protection Board (FPB) by the Legislature; and

WHEREAS, the requirements of SEQRA have been considered and the 8-year review processes have been completed by the FPB and the Agricultural District Assessment Report has been filed with the recommendation to continue the district(s) with modifications; and

WHEREAS, the necessary public hearing was held by the Legislature on January 26, 2010 in order to gather input from landowners in the district; and

WHEREAS, the Legislature in March of 2009 passed Resolution 60-09 supporting the consolidation of Chautauqua County Agricultural Districts # 1, 3 and 4 as part of a larger county-wide consolidation plan; therefore be it

RESOLVED, That it is the determination of the Chautauqua County Legislature to terminate Chautauqua County Agricultural District # 3 and Chautauqua County Agricultural District # 4 in the Towns of Ripley and Portland; and it is further

RESOLVED, That it is the determination of the Chautauqua County Legislature to continue Chautauqua County Agricultural District # 1 as modified with lands from the Towns of Westfield, Ripley and Portland, 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 January 26, 2010 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 a notice of termination for Chautauqua County Agricultural Districts # 3 and 4 with the Chautauqua County Clerk and the Commissioner of Agriculture and Markets; and it is further

RESOLVED, That the Clerk of the County Legislature be and hereby is directed to file the modified plan for Chautauqua County Agricultural District # 1 and all things necessary to be filed with the Commissioner of Agriculture and markets for final certification.

Signed: Park, Heenan, Tarbrake

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RES. NO. 64-10

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, 2010 through December 31, 2010.

Signed: Park, Heenan, Tarbrake, Nazzaro, Gould

RES. NO. 65-10

Authorize Agreement w/ 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 2010 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: Park, Heenan, Tarbrake, Nazzaro, Gould

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RES. NO. 66-10

Authorize Agreement w/ 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 2010 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: Park, Heenan, Tarbrake, Nazzaro, Gould

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RES. NO. 67-10

Authorize Agreement w/ 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: Park, Heenan, Tarbrake, Nazzaro, Gould

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RES. NO. 68-10

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

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

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

Division of Planning:

- 1.) Premises. 2,465 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York
- 2.) Rent. 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, 2010 and terminating December 31, 2010. Subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Division of Economic Development:

- 1.) Premises – 2,280 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York.
- 2.) Rent – 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, 2010 and terminating on December 31, 2010. Subject to termination by prior notice.
- 5.) Other - As negotiated by the County Executive.

Signed: Park, Heenan, Tarbrake, Nazzaro, Gould

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RES. NO. 69-10

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, the County of Chautauqua Department of Economic Development pursuant to Article 11 and Section 11.01 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 in the amount of One Hundred Fifty Thousand Six Hundred Sixty-six and 00/100 (\$150,666.00) dollars.

Signed: Park, Heenan, Tarbrake, Nazzaro, Gould

RES. NO. 70-10

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

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

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

Signed: Heenan, Park, Tarbrake, Nazzaro, Gould

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RES. NO. 71-10

Authorize Agreement with the County of Chautauqua Industrial Development Agency for 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; 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, the sum of Twenty-eight Thousand Four Hundred Fifty-eight and 00/100 dollars (\$28,458.00) has been appropriated 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: Heenan, Park, Tarbrake, Nazzaro, Gould

RES. NO. 72-10

Authorize Lease of Temporary Office Space at 10825 Bennett Road, Dunkirk, N.Y. for  
Department of Mental Hygiene

By Administrative Services, Human Services, and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, due the recent fire in Dunkirk, the Department of Mental Hygiene is in need of new temporary office space; and

WHEREAS, Chautauqua Opportunities, Inc. has offered temporary space at 10825 Bennett Road, Dunkirk, NY for use by the Department of Mental Hygiene; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Chautauqua Opportunities, Inc. for such office space on substantially the following terms and conditions:

1. Premises: Approximately 4,200 square feet of office space at 10825 Bennett Road, Dunkirk, NY.
2. Term: March 1, 2010 to May 31, 2010 with three (3) three (3) month options to renew.
3. Rent: \$4,500 per month.
4. Utilities: County shall pay for phone and \$159 per month for data, 25% for utilities, and 25% for cleaning.
5. Other: As negotiated by the County Executive.

Signed: DeJoy, Scudder, Barmore, Caflisch, Gullo, Cornell, Stutzman, James, Lemon, Mueller, Park, Nazzaro, Gould

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RES. NO. 73-10

Authorize Lease of Temporary Office Space at 1136 Central Avenue, Dunkirk, N.Y. for Health  
Department

By Administrative Services, Human Services, and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, due the recent fire in Dunkirk, the Health Department is in need of new temporary office space; and

WHEREAS, Mary Beth Wuebbolt has offered temporary space at 1136 Central Avenue, Dunkirk, NY for use by the Health Department; and

WHEREAS, the New York State Department of Health has approved this new space on a temporary basis; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Mary Beth Wuebbolt for such office space on substantially the following terms and conditions:

1. Premises: Approximately 3,000 square feet of office space at 1136 Central Avenue, Dunkirk, NY.
2. Term: March 1, 2010 to May 31, 2010 with three (3) three (3) month options to renew.
3. Rent: \$2,000 per month.
4. Utilities: County to pay two-thirds ( $\frac{2}{3}$ ) of utility cost as invoiced by landlord.
5. Other: As negotiated by the County Executive.

Signed: DeJoy, Scudder, Barmore, Caflisch, Gullo, Cornell, Stutzman, James, Lemon, Mueller, Park, Nazzaro, Gould

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RES. NO. 74-10

Authorize Lease of Temporary Office Space at 17 West Courtney Street, Dunkirk, N.Y. for Probation Department

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

WHEREAS, due the recent fire in Dunkirk, the Probation Department is in need of new temporary office space; and

WHEREAS, New Enterprises, Inc. has offered temporary space at 17 West Courtney Street, Dunkirk, NY for use by the Probation Department; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with New Enterprises, Inc. for such office space on substantially the following terms and conditions:

1. Premises: Approximately 1,200 square feet of office space at 17 West Courtney Street, Dunkirk, NY.
2. Term: March 1, 2010 to May 31, 2010 with three (3) three (3) month options to renew.
3. Rent: \$1,000 per month.
4. Utilities: County shall pay for phone and data; Landlord shall pay all other utilities.
5. Other: As negotiated by the County Executive.

Signed: DeJoy, Scudder, Barmore, Caflisch, Gullo, Park, Nazzaro, Gould (Tabled in P.S.)

RES. NO. 75-10

Authorize Lease of Office Space at the Dunkirk Senior Center, 45 Franklin St., Dunkirk, N.Y.  
for the Chautauqua County Veterans Services Agency

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, due to the recent fire in Dunkirk, the Chautauqua County Veterans Service Agency is in need of new office space; and

WHEREAS, The Dunkirk Senior Center has offered space at 45 Franklin Street, Dunkirk, NY, for use by the Veterans Service Agency; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with the City of Dunkirk for such office space on substantially the following terms and conditions:

1. Premises: Approximately 80 square feet of office space at the Dunkirk Senior Center, 45 Franklin St. Dunkirk, NY.
2. Term: April 1, 2010 to March 31, 2011 with options to renew.
3. Rent: No rental payment is due but Tenant may make modest alterations at its expense.
4. Utilities: County shall pay for phone and data; Landlord shall pay all other utilities.
5. Other: As negotiated by the County Executive.

Signed: James, Cornell, Stutzman, Lemon, Mueller

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RES. NO. 76-10

Authorize Lease of Temporary Office Space at 328 Central Ave., Dunkirk, N.Y. for the  
Chautauqua County Department of Social Services

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, due to the recent fire in Dunkirk, the Department of Social Services is in need of new temporary office space; and

WHEREAS, Cornell Cooperative Extension, has offered temporary space at 328 Central Avenue, Dunkirk, NY, for use by the Department of Social Services; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Cornell Cooperative Extension for such office space on substantially the following terms and conditions:

1. Premises: Approximately 600 square feet of office space at 328 Central Avenue, Dunkirk, NY.
2. Term: March 1, 2010 to June 1, 2010 with options to renew.
3. Rent: \$0 per month.
4. Utilities: County shall pay for phone and data; Landlord shall pay all other utilities.

5. Other: As negotiated by the County Executive.  
Signed: James, Cornell, Stutzman, Lemon, Mueller

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RES. NO. 77-10

Authorize Lease of Temporary Office Space at 9520 Fredonia-Stockton Rd., Fredonia, N.Y. for the Chautauqua County Department of Social Service

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, due to the recent fire in Dunkirk, the Department of Social Services is in need of new temporary office space; and

WHEREAS, Erie 2 Chautauqua-Cattaraugus BOCES, LoGuidice Educational Center, has offered temporary space at 9520 Fredonia-Stockton Road, Fredonia, NY, for use by the Department of Social Services; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Erie 2 Chautauqua-Cattaraugus BOCES, LoGuidice Educational Center for such office space on substantially the following terms and conditions:

1. Premises: Approximately 2000 square feet of office space at 9520 Fredonia-Stockton Road, Fredonia, NY.
2. Term: March 1, 2010 to June 30, 2010 with options to renew.
3. Rent: \$0 per month.
4. Utilities: County shall pay for phone and data; Landlord shall pay all other utilities.
5. Other: As negotiated by the County Executive.

Signed: James, Cornell, Stutzman, Lemon, Mueller

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RES. NO. 78-10

Adjust 2010 Health Department Lead Account

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Health Department wishes to purchase three (3) new Toughbook laptop computers for use by Environmental Health sanitarians for the Childhood Lead Primary Prevention Program; and

WHEREAS, the Health Department desires a transfer of funds to the account class under which the above mentioned equipment can be purchased; therefore be it

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RESOLVED That the Director of Finance be and hereby is directed to make the following changes to the 2010 budgetary accounts:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.2                      Equipment – Other Public Health                      \$10,400

DECREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4                      Contractual – Other Public Health                      \$10,400

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

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RES. NO. 79-10  
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	Munic.	Parcel ID No	Property Location	Purchaser	Foreclosed Owner	Offer Amt	Taxes Owing
QC 117-09	Jmst.	387.14-6-83	Charles St.	Cynthia Blackwell	JNC Development Inc	\$ 25.00	\$ 1,694.16
QC 144-09	Jmst,	387.42-2-15	168 Chandler St	Edward R. Holtz, Jr.	Weinert, Lance E	\$ 100.00	\$ 4,438.22
QC 268-09	Hanover	16.18-1-9	428 Franklin St	Franklin J & Maria L Manning	Jackson, F & R & T	\$100.00	\$33,407.62
	<b>TOTALS:</b>					<b>\$225.00</b>	<b>\$39,540.00</b>

Signed: Barmore, Scudder, DeJoy, Caflich – Gullo voting "no"

RES. NO. 80-10

Approving Transfer of Tax Foreclosure Property to Penhollow Disposal Services, LLC

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County acquired via tax foreclosure a now vacant former trailer park property in the Village of Sinclairville and Town of Gerry identified as Section 250.20, Block 1, Lots 8 and 9 on the Chautauqua County tax map; and

WHEREAS, the property was listed with a realtor and an offer has been received from Penhollow Disposal Service LLC to purchase the property for the sum of \$12,656.00 with the intent to utilize the property as a green buffer parcel adjoining lands owned by other family members; therefore be it

RESOLVED, That pursuant to Section 1166 of the New York State Real Property Tax Law, the County Executive is hereby authorized and empowered to convey by quitclaim deed to Penhollow Disposal Service LLC, 5575 Fenner Road, Sinclairville, New York 14782, the tax foreclosure parcels in the Village of Sinclairville and Town of Gerry identified as Section 250.20, Block 1, Lots 8 and 9 on the Chautauqua County tax map, for the purchase price of \$12,656.00 with taxes to be pro-rated between the parties and all recording charges to be the responsibility of the purchaser.

Signed: DeJoy, Scudder, Barmore, Caflich, Gullo, Park, Nazzaro, Gould

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RES. NO. 81-10

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Chapter 174 of the Laws of 2010 adopted by the New York State Legislature, the County was authorized to impose a three-quarters of one percent (.75%) additional sales tax for the period of December 1, 2009 through November 30, 2010, but Chapter 174 further provided that the amount of additional sales tax the County was authorized to impose for the period December 1, 2010 through November 30, 2011 would be reduced to one-half of one percent (.5%); and

WHEREAS, it is currently projected for the 2011 County budget year that several mandated categories of expense will increase, including Medicaid (\$5.8 million), New York State Retirement Contribution (\$2.0 million), social services and public health programs (\$1.0 million); and community college chargebacks (\$950,000); and

WHEREAS, before taking into account any unknown additional budget impacts that may arise from the State budget crisis, the scheduled reduction in the additional sales tax to .5% coupled with projected 2011 increases in expense and reductions in revenue will produce a 2011 budget deficit of at least \$17 million; and

WHEREAS, if the scheduled reduction in the additional sales tax were left undisturbed, the County's real property tax rate would rise from \$8.180 per thousand to \$10.677 per thousand, an increase of over 30%; and

WHEREAS, it is unfortunately necessary in this extraordinary fiscal period to increase the County's additional sales tax in order to: (1) prevent a corresponding increase in County real property taxes; (2) maintain the County's exemption of residential energy from local sales tax (\$5.3 million); and (3) continue to hold the cities, towns, and villages harmless from the residential energy tax exemption (\$2.1 million); therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to impose a one and one-quarter percent (1.25%) additional sales tax for the period December 1, 2010 through November 30, 2011, subject to the requirements set forth below:

(1) twelve percent (12%) 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  
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: Nazzaro, Park, Gould

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RES. NO. 82-10  
Appointing Clerk of the Legislature

By Legislator Croscut:

RESOLVED, That James E. Cafilisch of P.O. Box 100, Clymer, New York be and hereby is appointed Clerk of the Chautauqua County Legislature, effective March 25, 2010, to serve at the pleasure of the Chairman of the Legislature, at an annual salary of \$36,000.00.

Signed: Croscut

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RES. NO. 83-10  
Appointing Clerk of the Legislature

At the Request of Duff and Stutzman:

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RESOLVED, That Dahn S. Bull, 35 Baker Street, Fredonia, 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 \$34,000.00 effective March 25, 2010.

Signed: Stutzman, Duff