

CHAUTAUQUA COUNTY LEGISLATURE 06/23/10

RES. NO. 128-10

Confirm Appointment – Chautauqua County Youth Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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

Janet M. Privitera-Bonasera

9612 Porter Road

Fredonia, N.Y. 14063-9708

Term Expires: 5/31/12

Signed: Lemon, Gould, James

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RES. NO. 129-10

Confirm Re-Appointments & Appointment – Chautauqua Opportunities Inc.

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments:

Patricia Christina

One Brendon Court

Fredonia, NY 14063

Term to Expire: 6/30/11

Joseph A. Gerace

235 Hunt Road, W.E.

Jamestown, NY 14701

Term Expires: 6/30/11

Legislator Douglas Richmond

27 East Main Street

Westfield, NY 14787

Term to Expire: 6/30/11

Susan Forrester Mackay

73 Eagle Street

Fredonia, NY 14063

Term Expires: 6/30/11

Benjamin Spitzer

5841 Snug Harbor Drive

Mayville, NY 14757

Term to Expire: 6/30/11

New Appointment:

Paul Whitford

25 Pearl Ave.

Jamestown, N.Y. 14701

Term Expires: 6/30/11

Signed: Lemon, Gould, James

CHAUTAUQUA COUNTY LEGISLATURE 06/23/10

RES. NO. 130-10

Changing Place of the Chautauqua County Legislature July 2010 Meeting

By Administrative Services Committee:

At the Request of Chairman Fred C. Croscut:

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 28, 2010 at 6:30 p.m.

Signed: Barmore, DeJoy, Scudder, Cornell

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RES. NO. 131-10

Authorize Lease of Office Space to U.S. Department of Transportation (FAA)

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the United States Department of Transportation (FAA) desires to renew its lease for space at the County Airport Terminal Building at Jamestown; and

WHEREAS, the Chautauqua County Airport Commission has recommended approval of the lease; and

WHEREAS, it is desirable and appropriate for the County Airport to lease the facilities to the United States Department of Transportation (FAA) and such portion of the premises is not needed for other public use; and

WHEREAS, necessary public hearing required by General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease with the United States Department of Transportation (FAA) on substantially the following terms and conditions:

1. Premises: Lease approximately 588 square feet of office space in the main Airport Terminal Building at Jamestown.
2. Rent: Monthly payment of \$300.00 which includes service agreement for heat, electricity, air conditioning, use of sanitary facilities, snow and ice removal and janitorial service.
3. Term: October 1, 2010 – September 30, 2015
4. Other: As negotiated by the County Executive.

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

CHAUTAUQUA COUNTY LEGISLATURE 06/23/10

RES. NO. 132-10

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, a Project for the Replacement of the County Bridge 941 over Clear Creek, BIN 3324550 in the Town of Ellington, Chautauqua County PIN 5758.42 (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 80% Federal funds and 20% Non-Federal funds of which 75% is anticipated to be funded by the State of NY; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right of Way Incidentals phases of the project PIN 5758.42 estimated to be \$72,200; and

WHEREAS, 25% of the non federal share to be funded by the County is included in the County Road Fund capital budget; therefore be it

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

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

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

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid 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

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$342,950
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid: Surface Transportation Program	\$288,800
D.5112.390.R358.9003	NYS Aid: Marchiselli Funds	<u>\$54,150</u>
		\$342,950

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

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RES. NO. 133-10

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 Chautauqua County 2010 Bridge Painting Project, PIN 5759.59 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, estimated to be \$460,000, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5759.59 with existing funding in account D.5112.390;

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

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That the sum of \$460,000 is hereby appropriated from D5112.390 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, the County of

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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 and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$368,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002 Federal Aid - Surface Transp Program \$368,000

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

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RES. NO. 134-10

Authorize Lease Agreement with Jamestown Rental Properties for Office Space at 405 West Third Street, Jamestown, New York for a MDT/CAP Location

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of the District Attorney has acquired suitable office space for the Multi Disciplinary Team/Child Advocacy Program center; and

WHEREAS, the space is located at 405 West Third Street, Jamestown, New York; and

WHEREAS, the District Attorney has already been approved to lease office space as part of the Office of Children and Family Services Grant; and

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

1. Premises: Approximately 1800 square feet at 405 West Third Street, Jamestown, N.Y.

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2. Term: Extension of original lease with a 2.5 % increase for the period of June 1, 2010 through May 31, 2011.
3. Rent: \$1260.75 per month for approximately 1800 square feet of office space.
4. Other: As negotiated by the County Executive.

Signed: Barmore, DeJoy, Scudder, Cornell, Gould, Gullo, Park, Richmond

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RES. NO. 135-10

Authorize Acceptance of Aid to Prosecution Funds for 2010-2011

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 \$42,400.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2010 through March 31, 2011; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2010 Budget includes appropriations and funding for this grant; 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 to execute necessary agreements with the State of New York to obtain such funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program shall not be continued if said program is abolished.

Signed: Richmond, Duff, Mueller, Himelein, Gould, Gullo, Park (P.S. Runkle- no)

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RES. NO. 136-10

Authorize District Attorney's Office to Assign the Child Advocacy Program to the Friends of the CAP Board or Other Approved Agency

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 New York State Office of Children and Family Services in the amount of \$115,239.00 for the

period of February 2010 through January 2011 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, the mission of the Multidisciplinary Team (MDT) is to establish a Child Advocacy Center in Chautauqua County; and

WHEREAS, the Child Advocacy Program is fully operating and County oversight will be unnecessary; and

WHEREAS, the Friends of the CAP Board, a non-profit agency is prepared to assume the administration of the Child Advocacy Program from Chautauqua County; and

WHEREAS, this process will take several months to accomplish including the approval and consent of federal or state agencies; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to transfer or assign the administration of the Child Advocacy Program including grant funding, if required, from Chautauqua County to the Friends of the CAP Board or other approved agency and contingent upon receipt of appropriate federal or state approval and consent.

Signed: Richmond, Duff, Mueller, Gould, Gullo, Park (P.S. Runkle, Himelein - no)

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RES. NO. 137-10

Authorize Acceptance of the Crime Victims Assistance Grant for Child Victims

By Public Safety & 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 \$190,794 from the New York state Crime Victims Board for the period of October 1, 2009 through September 30, 2012; and

WHEREAS, the award amount for the period from January 2010 through December 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

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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	\$ 32,026
A.1165.----.8	Employee Benefits- District Attorney	22,206
A.1165.----.4	Contractual-District Attorney	<u>9,366</u>
		\$ 63,598

INCREASE REVENUE ACCOUNT:

A.1165.R308.9003	Other State Aid: Crime Victims	\$ 63,598
Signed: Richmond, Duff, Mueller, Himelein, Gould, Gullo, Park (P.S. – Runkle – no)		

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RES. NO. 138-10

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:

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

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of June 28, 2010 through September 30, 2010, for an estimated cost not to exceed \$5,250.00 based upon an hourly rate of \$23.34; therefore be

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

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

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RES. NO. 139-10

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

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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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 Operation Stonegarden; and

WHEREAS, the State of New York will provide funding in the amount of \$151,104 for the initial contract period from July 1, 2009 to June 30, 2012 without local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract with the NYS Office of Homeland Security for a program grant for Operation Stonegarden in the initial amount of \$151,104 with no local share; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110. ---.1	Personal Services - Sheriff Operations	\$ 7,618
A.3110. ---.3	Depreciable Equipment - Sheriff Operations	136,383
A.3110. ---.4	Contractual - Sheriff Operations	4,929
A.3110. ---.8	Fringe Benefits - Sheriff Operations	<u>2,174</u>
		\$151,104

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9OSG	Federal Aid: Operation Stonegarden	\$151,104
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Signed: Richmond, Runkle, Duff, Mueller, Himelein, Gould, Gullo, Park

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RES. NO. 140-10

Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2010 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 joint funding under the Fiscal year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, the County is expecting to receive a portion of the award in an amount not to exceed \$11,103.50 that will be used by the City of Jamestown to purchase and provide equipment to upgrade tactical headsets 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 Edward Byrne JAG grant for fiscal year 2010.

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

CHAUTAUQUA COUNTY LEGISLATURE 06/23/10

RES. NO. 141-10

Allocating Funding from the 20% Off Cycle Reserve Account from the 3% Occupancy Tax Account

By Planning & Economic Development & Audit & Control Committees:  
At the Request of Legislators Park, Borrello, Tarbrake, and Kindberg:

WHEREAS, Resolution 118-08 established guidelines for allocation of the original 3% occupancy tax revenues; and

WHEREAS, Resolution 166-09 further amended Resolution 118-08 to provide that a portion of the annual 20% allocation for tourism promotion grants be held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; and

WHEREAS, the Tourism Review Panel has met to consider and has made recommendations for the off cycle requests receive; therefore be it

RESOLVED, That the following projects are approved for funding from the 20% Off Cycle Reserve Account from the 3% Occupancy Tax Account subject to SEQRA consideration and approval:

Snowmobile Trail Infrastructure	\$11,328
NJCAA National Golf Championships	\$ 4,152
Bemus Bay Pops	\$ 9,806

and be it further

RESOLVED, That the Director of Finance is authorized to make the necessary budgetary adjustments.

Signed: Park, Tarbrake, Borrello, Kindberg, Gould, Runkle, Richmond

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RES. NO. 142-10

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 one (1) new Lead Paint Analyzer (LPA-1 XRF analyzer) 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

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



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WHEREAS, Section 2.05(c) of the Chautauqua County Charter provides that the County Legislature shall annually adopt by resolution programs, goals, and objectives which shall be utilized in the formulation of the budget and measuring the success of its implementation; and

WHEREAS, no additions or amendments have been made to the 2010 Program Outcome Statements for 2011; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby adopts the 2011 Program Outcome Statements.

Signed: Croscut

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RES. NO. 145-10

Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:

At the Request of Chairman Fred C. Croscut:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolution 64-05 adopted March 23, 2005; and

WHEREAS, there are no additional amendments to the existing policy proposed at this time; therefore be it

RESOLVED, That the existing Financial Management Policy is hereby reconfirmed.

Signed: Gould, Gullo, Park, Richmond

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RES. NO. 146-10

Authorize City of Jamestown, Jamestown Urban Renewal Agency, and Jamestown Renaissance Corporation to Facilitate and/or Market the Arcade Building for Future Development

At the Request of County Executive Gregory J. Edwards and Legislators Barmore, James, Cornell, and Scudder

WHEREAS, due to delinquent real property taxes, the County has foreclosed on the Arcade Building in the City of Jamestown located at 26-32 North Main Street (Tax Parcel # 387.48-1-19); and

WHEREAS, the Arcade Building is an architecturally significant structure that is one of the last examples of the buildings that existed in Brooklyn Square at the turn of the 20<sup>th</sup> century; and

WHEREAS, the City of Jamestown ("City"), the Jamestown Urban Renewal Agency ("JURA"), and the Jamestown Renaissance Corporation ("JRC") have requested that the County delay the auction sale of the Arcade Building to allow for the three organizations to facilitate and/or market the Building for future development; therefore be it

RESOLVED, that the Chautauqua County Legislature hereby approves a delay in the auction sale of the Arcade Building for a period of one (1) year to allow the City, JURA, and JRC to facilitate and/or market the Building for future development, and the County Executive is authorized and empowered to enter into any agreements necessary to accomplish the aforementioned purposes.

Signed: Barmore, James, Cornell, Scudder

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RES. NO. 147-10

Authorizing Transfer of Tax Foreclosure Property to Habitat for Humanity

At the Request of Legislators Barmore, James, Cornell, and Scudder:

WHEREAS, the Chautauqua County chapter of Habitat for Humanity has offered to purchase a tax foreclosure parcel at 6862 South Portage Road in the Town of Westfield (067289-210.00-2-6) for the sum of \$577.65 and has made a deposit of the full amount of back taxes, interest and penalties; and

WHEREAS, Habitat for Humanity has pledged to rehabilitate the property for future occupancy and to return the property to the tax rolls; and

WHEREAS, pursuant to Resolution 137-09, the County Legislature retains the right in its discretion to approve transfer of tax foreclosure properties to persons or entities subject to terms and conditions as may be appropriate; therefore be it

RESOLVED, That the County Executive is authorized and empowered to transfer to Habitat for Humanity the tax foreclosure property at 6862 South Portage Road in the Town of Westfield (067289-210.00-2-6) for the purchase price of \$577.65 plus charges and recording fees with the condition that the property be rehabilitated and upon such other terms and conditions as may be negotiated by the County Executive.

Signed: Barmore, James, Cornell, and Scudder

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RES. NO. 148-10

Authorizing Transfer of Tax Foreclosure Properties to the City of Dunkirk

By Administrative Services Committee:

At the Request of Legislators Ahlstrom, Heenan, and Duff:

WHEREAS, pursuant to Resolution 137-09, the County Legislature established parameters for the disposition of tax foreclosure properties but reserved the authority to impose by resolution special requirements, restrictions, terms or conditions applicable to a particular tax parcel; and

WHEREAS, the City of Dunkirk has partnered with Chautauqua Opportunities, Inc. ("COI") to rehabilitate two (2) residential properties in the City that meet the funding criteria for rehabilitation from the N.Y.S. Housing Finance Agency and the U.S. Department of Housing and Urban Development; and

WHEREAS, the eligible properties will receive substantial investment and returned to the tax rolls as productive, rehabilitated properties; therefore be it

RESOLVED, That the County Executive is authorized and empowered to transfer to the City of Dunkirk the tax foreclosure properties at 424 Washington (060300-79.15-5-75) and 502 Deer (060300-79.19-2-81) for the purchase price of \$1000 each conditioned upon agreement by the City and/or COI to rehabilitate the properties and upon such other terms and conditions negotiated by the County Executive.

Signed: Barmore, DeJoy, Scudder, Cornell

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RES. NO. 149-10

Authorizing Transfer of Tax Foreclosure Properties to DLDC Real Property LLC

By Administrative Services Committee:

At the Request of Legislators Ahlstrom, Heenan, and Duff:

WHEREAS, pursuant to Resolution 137-09, upon receipt of a request from local development organizations, the County Legislature may choose to approve transfer of tax foreclosure properties to such entities subject to terms and conditions as may be appropriate; and

WHEREAS, the Dunkirk Local Development Corporation ("DLDC") has proposed that two (2) properties be transferred to its real estate holding company without cost for the purpose of marketing the properties for redevelopment and performing environmental remediation as necessary, and that a third property be transferred to it for the purpose of completing a demolition of a condemned building on the premises; therefore be it

RESOLVED, That the County Executive is authorized and empowered to transfer to DLDC Real Property LLC the tax foreclosure properties at 307-317 Brigham Road (060300-79.17-1-1) and 760 Lamphere Street (060300-96.07-2-16) without cost for the purpose of redevelopment and remediation as necessary, conditioned upon agreement by DLDC to share the proceeds (after expenses) on a 50-50 basis with the County upon future sale of the properties and upon such other terms and conditions negotiated by the County Executive; and be it further

RESOLVED, That the County Executive is authorized and empowered to transfer to DLDC Real Property LLC the tax foreclosure property at 523 Columbus Avenue (060300-79.19-1-37) without cost conditioned upon DLDC completing a demolition of the condemned building on the premises and upon such other terms and conditions negotiated by the County Executive.  
Signed: Barmore, DeJoy, Scudder, Cornell

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RES. NO. 150-10

Authorize Transfer of Tax Foreclosure Property in the Town of Ellicott to Brigiotta's Farmland Produce & Garden Center, Inc.

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County acquired through tax foreclosure two parcels located at 100 Livingston Avenue in the Town of Ellicott identified on the Chautauqua County Tax Map as 369.19-6-1 and 369.19-6-2; and

WHEREAS, these parcels were formerly owned by the trucking firm Penn Empire Transport, Inc., and were the subject of an environmental investigation and cleanup of hazardous materials by the United States Environmental Protection Agency (USEPA) and the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, pursuant to Resolution 106-10 adopted April 28, 2010, the County Legislature previously authorized a conveyance of a portion of the property to the Celoron Rod & Gun Club, and thereafter on May 3, 2010, the County's Department of Public Facilities issued and published a Request for Proposals for acquisition/development of the remaining 6.21 acre property and clean-up of non-hazardous materials; and

WHEREAS, Brigiottas's Farmland Produce & Garden Center, Inc. submitted the most comprehensive proposal that met or exceeded all conditions of the Request for Proposals, including a purchase offer of \$40,000 for the property, an estimated initial investment of \$335,000 in clean-up and infrastructure improvements, and the anticipated retention of 2 jobs and creation of between 14 and 26 jobs in the first three years after acquisition; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the Chautauqua County Executive to negotiate and complete the transfer of two tax foreclosure parcels located at 100 Livingston Avenue in the Town of Ellicott identified on the Chautauqua County Tax Map as 369.19-6-1 and 369.19-6-2, to Brigiotta's Farmland Produce and Garden Center, Inc., 410-414 Fairmount Avenue, Jamestown, New York, for the purchase price of \$40,000.00.

Signed: Barmore, DeJoy, Scudder, Cornell, Gould, Gullo, Park, Richmond