

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 172-10

Confirm Re-Appointment – 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 re-appointment to the STOP-DWI Advisory Board:

Ronald Trippy

6755 S. Portage Road

Westfield, NY 14787

Term Expires: 07/31/13

Signed: Richmond, Duff, Mueller, Himelein

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RES. NO. 173-10

Confirm Re-Appointments - Chautauqua County 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 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 Planning Board:

Rodney Pennica

44 Forest Place

Fredonia, NY 14063

Term to expire 12/31/2012

Signed: Park, Borrello, Kindberg, Heenan

Katherine Tampio

39 Hanover Street

Silver Creek, NY 14136

Term to expire 12/31/2012

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RES. NO. 174-10

Confirm Re-Appt. – Southern Tier Extension Railroad Authority

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

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.

Re-Appointment:

Frank J. Gould

70 Hoag Road

Ashville, NY 14710

Term Expires: 08/23/11

Signed: Park, Borrello, Kindberg, Heenan

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RES. NO. 175-10

Approving the Lake Erie Concord Grape Belt Heritage Area Management Plan

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Lake Erie Concord Grape Belt Heritage Area was recognized by the New York State Legislature as a state designated heritage area on September 13, 2006 as a means to promote, develop and preserve the unique historic, cultural, recreational, and natural resources of the Lake Erie Concord Grape Belt corridor; and

WHEREAS, the Commissioner of the Office of Parks, Recreation and Historic Preservation is required to request the preparation of a comprehensive management plan for each designated state heritage area pursuant to Section 35.03 of the Parks, Recreation and Historic Preservation Law by a local planning commission; and

WHEREAS, the Concord Grape Belt Heritage Association was recognized within the Act establishing the Lake Erie Concord Grape Belt Heritage Area as the organization authorized to prepare or cause to be prepared a management plan pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law; and

WHEREAS, the Town of Westfield secured grant funding, on behalf of the Concord Grape Belt Heritage Association, to fund the completion of the Lake Erie Concord Grape Belt Heritage Area Management Plan, with the assistance of a planning consultant, through New York State's Department of State Division of Coastal Resources under Title 11 of the Environmental Protection Fund; and

WHEREAS, in 2009 the Concord Grape Belt Heritage Association formed the Concord Grape Belt Advisory Commission to act as the local planning commission and assist with the

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

completion of the Lake Erie Concord Grape Belt Heritage Area Management Plan pursuant to Section 35.05 of the Parks, Recreation and Historic Preservation Law of New York State; and

WHEREAS, the draft management plan completed by the Concord Grape Belt Advisory Commission identifies a series of strategies and partnerships for communities in Chautauqua County for the preservation, education, recreation, and economic revitalization of their unique resources and for the implementation of programs and projects; and

WHEREAS, the Concord Grape Belt Advisory Commission held meetings within the proposed heritage area to inform the public and stakeholders about the development of the Lake Erie Concord Grape Belt Heritage Area Management Plan and to gather input from involved and interested agencies and residents; and

WHEREAS, this effort was completed in July of 2010 and subsequently the completed Lake Erie Concord Grape Belt Heritage Area Management Plan was posted for review on the Chautauqua County Planning Division's ([www.planningchautauqua.com](http://www.planningchautauqua.com)) and on the Concord Grape Belt Heritage Association ([www.concordgrapebelt.org](http://www.concordgrapebelt.org)) websites, and provided to municipalities within the heritage area boundaries; and

WHEREAS, the Town of Westfield declared its intent to act as Lead Agency through resolution 10-2010 enacted January 10, 2010 pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the State Environmental Quality Review Act (SEQRA) without objection; and

WHEREAS, the Town of Westfield conducted a coordinated review of the Lake Erie Concord Grape Belt Heritage Area Management Plan, a Type I action, for purposes of determining significance of the Heritage Area Management Plan; and

WHEREAS, various public hearings will be held on the Heritage Area Management Plan before it is submitted to the NYS Office of Parks, Recreation & Historic Preservation for approval; and

WHEREAS, the boundary of the Lake Erie Concord Grape Belt Heritage Area included specific designated areas within the Towns of Ripley, Westfield, Portland, Pomfret, Dunkirk, Sheridan, Hanover, Arkwright and Chautauqua and the Villages of Westfield, Brocton, Fredonia, Silver Creek and Forestville, and the City of Dunkirk; and

WHEREAS, each municipality with land within the boundaries of the proposed Lake Erie Grape Belt Heritage Area must review and approve the Lake Erie Concord Grape Belt Heritage Area Management Plan pursuant to Section 35.05 (3) of the Parks, Recreation and Historic Preservation Law prior to submittal to the Commissioner of the Office of Parks, Recreation and Historic Preservation for consideration; therefore be it

RESOLVED, That the County of Chautauqua hereby approves the Concord Grape Belt Heritage Area Management Plan, and be it further

RESOLVED, That a certified copy of this resolution be forwarded by the Legislature Clerk to the Concord Grape Belt Heritage Association for submittal to the Commissioner of the Office of Parks, Recreation and Historic Preservation for consideration.

Signed: Park, Borrello, Kindberg, Heenan

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 176-10

Authorize Acceptance of the Crime Victims Assistance Grant for Child Victims of Crime for the Year 2010-2011

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 \$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 October 1, 2010 through September 30, 2011 is \$63,598.00 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 for the period from October 1, 2010 through September 30, 2011 with respect to the Crime Victim Assistance Grant. Signed: Richmond, Duff, Mueller, Himelein, Gould, Nazzaro, Gullo, Park

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RES. NO. 177-10

Authorize Acceptance of Operation Impact Funds 2010-2011

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 \$237,702.00 for the Operation IMPACT Partnership Program for the term from July 1, 2010 to June 30, 2011; 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 \$84,827.00 in support of its Police Department to reduce violent crime through intelligence-led enforcement strategies; and

WHEREAS, the office of the District Attorney (\$88,000.00), the office of the Chautauqua County Sheriff (\$56,875.00), and the office of Probation (\$8,000.00) will share the balance of such funds; and

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

WHEREAS, the offices of the District Attorney, Sheriff, and Probation have included a portion of these grant funds in the 2010 budget with the balance to be included in the 2011 budget; therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Impact VI Grant contract with the New York State Division of Criminal Justice Services in the amount of \$237,702.00 for the term from July 1, 2010 to June 30, 2011; 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: Richmond, Duff, Mueller, Himelein, Gould, Nazzaro, Gullo, Park

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RES. NO. 178-10  
2009 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 \$62,811.00 under the 2009 Hazmat Grant Program that runs from 8/1/09 thru 7/31/12; and

WHEREAS, the 2009 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and the 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 HazMat ID Command System; 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 2010 budgetary changes:

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Fed Aid: Homeland Security Program	\$ 62,811
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INCREASE APPROPRIATION ACCOUNT:

A.3640.----.3	Depreciable Equipment – Hazardous Materials	\$ 62,811
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Signed: Richmond, Duff, Mueller, Himelein, Gould, Nazzaro, Gullo, Park

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 179-10

Authorize Execution of Memorandum of Understanding – Operation Double Check

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the Sheriff has received notice that the United States Marshals Service has approved funding for Operation Double check;

WHEREAS, the United States Marshals Service will provide funding in the amount of \$4,000. for the 2009-2010 federal fiscal year, with no local funds now; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the Memorandum of Understanding-Operation Double Check with the United States Marshals Service in the initial amount of \$4,000.00 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	\$3,200
A.3110.----.8 - Fringe Benefits – Sheriff Operations	<u>800</u>
	\$4,000

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.90000 Federal Aid- Other Public Safety Aid	\$4,000
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Signed: Richmond, Duff, Mueller, Himelein, Gould, Nazzaro, Gullo, Park

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RES. NO. 180-10

Authorize Assignment of District Attorney's Office Grant from Crime Victim's Board and the Child Advocacy Program to Friends of the Chautauqua County Child Advocacy Program, Inc.

By Public Safety Committee:

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 Crime Victims Board for the period of October1, 2010 through September 30, 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

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

WHEREAS, the mission of the Multidisciplinary Team (MDT) is to establish a permanent Child Advocacy Center in Chautauqua County; and

WHEREAS, the Child Advocacy Program is established and operated through the jurisdiction of Chautauqua County and the Friends of the Chautauqua County Child Advocacy Program, Inc., a not for profit corporation, has been formed to assume and operate the program; and

WHEREAS, the Legislature has previously approved the transfer of another related grant for the same program to this organization; and

WHEREAS, this process may take several months to accomplish and the assignment has been approved by the granting agencies as an interim method to prepare for the transfers of the grant agreements; therefore, be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements with applicable New York State offices or agencies including consulting agreements, if necessary, to transfer the administration of the Crime Victim's Board grant and the Child Advocacy Program from Chautauqua County to the Friends of the Chautauqua County Child Advocacy Program, Inc.

Signed: Richmond, Duff, Mueller, Himelein

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RES. NO. 181-10

Transfer of Funds to Appropriate Account for the Purchase of Used Truck from Mayville Fire Dept. to Replace Dive Team Van

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services shall be purchasing a used truck from the Mayville Fire Dept. to replace Dive Team van; and

WHEREAS, a purchase order was opened in 2009 using available funds in the Emergency Services budget; and

WHEREAS, this purchase order was encumbered into 2010; and

WHEREAS, the encumbered funds need to be transferred to the appropriate account for the purchase of this equipment now, therefore be it

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

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

A.3010.----.3	Depreciable Equipment – Emergency Services	\$30,000
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DECREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$30,000
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Signed: Richmond, Duff, Mueller, Himelein, Gould, Nazzaro, Gullo, Park

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 182-10

Authorizing 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: Park, Borrello, Kindberg, Heenan, Gould, Nazzaro, Gullo, Richmond

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RES. NO. 183-10

Designate Chautauqua County Legislature as Lead Agency Responsible for (SEQR) Review of the Reroute and Expansion of Snowmobile Trails C4A, S42, C1A, and Proposed Trail "A" within the Towns of Clymer, Harmony, North Harmony, Cherry Creek, Ellery, Stockton, and Gerry

By Planning & Economic Development Committee:

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

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 is considering tentative approval of the creation of proposed snowmobile trail "A" starting east of Cole Street and NYS Route 474 in the Town of Clymer and ending on the State Forest Road in the Town of North Harmony and minor reroutes to existing snowmobile trails C4A, S42 and C1 in the Towns of Cherry Creek, Ellery, Stockton and Gerry; and

WHEREAS, the State Environmental Quality Review Act (SEQR) 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 SEQR process; therefore be it

RESOLVED, That the Chautauqua County shall act as the SEQR Lead Agency and comply with all SEQR requirements for the creation of proposed snowmobile trails "A" and reroutes of portions of snowmobile trails C4A, S42 and C1A.

Signed: Park, Borrello, Kindberg, Heenan

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RES. NO. 184-10

Environmental Assessment for Chautauqua County Proposed Snowmobile Trail "A" Creation,  
within the Towns of Clymer, Harmony and North Harmony

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, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the establishment of proposed snowmobile trail "A" (within the Towns of Clymer, Harmony and North Harmony); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that the establishment of proposed snowmobile trail "A", within the Towns of Clymer, Harmony and North Harmony will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 185-10

Environmental Assessment for Chautauqua County Snowmobile Trail S42 Rerouting within the Towns of Ellery and Gerry

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, Chautauqua County Legislature, as the declared lead agency, must evaluate the environmental impact of the rerouting of a portion of snowmobile trail S42 along Pickard Road (within the Towns of Ellery and Gerry); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that rerouting of a portion of snowmobile trail S42 along Pickard Road, within the Towns of Ellery and Gerry, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

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RES. NO. 186-10

Environmental Assessment for Chautauqua County Snowmobile Trail C4A Rerouting (1), within the Town of Ellery

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, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the rerouting of a portion of snowmobile trail C4A along Maple Grove and Beck Roads (within the Town of Ellery); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that rerouting of a portion of snowmobile trail C4A along Maple Grove and Beck Roads, within the Town of Ellery, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 187-10

Environmental Assessment for Chautauqua County Snowmobile Trail C4A Rerouting (2), within the Town of Ellery

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, Chautauqua County Legislature, as the declared lead agency, must evaluate the environmental impact of the rerouting of a portion of snowmobile trail C4A along the western side of Lewis Road and north of Weaver Road (within the Town of Ellery); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that rerouting of a portion of snowmobile trail C4A along the western side of Lewis Road and north of Weaver Road, within the Town of Ellery, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

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RES. NO. 188-10

Environmental Assessment for Chautauqua County Snowmobile Trail C4 Rerouting within the Town of Stockton

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, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the rerouting of a portion of snowmobile trail C4 north of Munger Road (within the Town of Stockton); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that rerouting of a portion of snowmobile trail C4 north of Munger Road, within the Town of Stockton, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 189-10

Environmental Assessment for Chautauqua County Snowmobile Trail C1C Reinstatement within the Town of Cherry Creek

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, Chautauqua County, as the declared lead agency, must evaluate the environmental impact of the establishment (reinstatement) of snowmobile trail C1C beginning to the west of Farrington Hollow Road and traveling north across Davidson and Weaver Roads to intersection with snowmobile trails C4 and C1A just south of the Town of Villenova boundary (within the Town of Cherry Creek); and

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

RESOLVED, That Chautauqua County, as lead agency, has determined that establishment (reinstatement) of snowmobile trail C1C beginning to the west of Farrington Hollow Road and traveling north across Davidson and Weaver Roads to intersection with snowmobile trails C4 and C1A just south of the Town of Villenova boundary, within the Town of Cherry Creek, will not have a significant adverse environmental impact and a draft environmental impact statement will not be prepared.

Signed: Park, Borrello, Kindberg, Heenan

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RES. NO. 190-10

Approve Lease for New Health Department Jamestown Extension Clinic Site

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

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Health Department desires to relocate its Article 28 Diagnostic and Treatment Center Extension Clinic in Jamestown; and

WHEREAS, the Chautauqua County Department of Social Services desires to assume occupancy of the Health Department's space in SCOB (110 E. Fourth Street, Jamestown); and

WHEREAS, Jamestown Rental Properties LLC has a suitable property located at 320 Prather Avenue and the entire 400 level is available to be leased; and

WHEREAS, the Lease must be submitted as part of the Certificate of Need application required by NYSDOH to get approval to relocate said Extension Clinic; therefore be it

RESOLVED, That the County Executive is authorized to enter into a lease with Jamestown Rental Properties LLC at 320 Prather Avenue, Jamestown for office space on substantially the following terms:

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

1. Premises: Approximately 5000 square feet of space,
2. Rent: \$5,000 per month, annual escalation of 2%
3. Term: September 1, 2010 – August 31, 2020 with two (2) ten (10) year options to renew.
4. Utilities: Included
5. Other: As negotiated by the County Executive.

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

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RES. NO. 191-10

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 Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, a project, for the Bemus-Stow Ferry and Facilities Upgrade Project, in the Towns of Ellery and North Harmony, Chautauqua County, PIN 5758.85, (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 ration 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 5758.85; and:

WHEREAS, Resolution 143-08 appropriated funds in the amount of \$50,000 for the Preliminary Engineering phase of the project; and

WHEREAS, the Federal Share of the Construction & Construction Inspection phases is estimated to be \$388,231 and the Non Federal share is estimated to be \$97,058, for a combined total of \$485,289; and

WHEREAS, the capital project reserve has sufficient funds to cover the non-Federal share of the project; therefore be it

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

RESOLVED, That the Chautauqua County Legislature 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 portions thereof; and be it further

RESOLVED, That in the event the amount required to pay 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection 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 be it further

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

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 be it further

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

RESOLVED, That the use of Reserves for Capital are appropriated as follows:

INCREASE USE OF RESERVE FOR CAPITAL:

A.----.----.878.0000 Reserve for Capital \$97,058

; and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.675.4 Contractual – Parks & Bemus-Stow Ferry/Facilities \$485,289

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.7110.675.R459.7000 Transportation Capital – Parks & Bemus-Stow Ferry/Fac \$388,231

H.7110.675.R503.1000 Inter-fund Transfer - Parks \$ 97,058

\$485,289

Signed: Gould, Nazzaro, Gullo, Park, Richmond

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RES. NO. 192

Resolution of the County Legislature of the County of Chautauqua reducing the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to Article 29 of the Tax Law of the State of New York

By Administrative Services and Audit & Control Committees:

At the Request of Chairman Fred C. 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, as amended, is amended to read as follows:

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-half of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2010, and ending November 30, 2011. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended by adding a new paragraph (e) to read as follows:

(e) With respect to the additional one-half of one percent rate of taxes imposed for the period beginning December 1, 2010, and ending November 30, 2011, in respect to the use of property used by the purchaser in this county prior to December 1, 2010.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one-half of one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2010, and ending November 30, 2011, the county shall allocate three-tenths of the net collections from the additional one-half 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 one-half 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, 2010.

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

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

RES. NO. 193-20

Authorizing Transfer of Tax Foreclosure Property to Paul C. Syracuse or Corporate Designee

At the Request of Chairman Fred C. Croscut:

WHEREAS, the County acquired through tax foreclosure the former Portage Inn in the Village of Westfield, and the property was auctioned at the County's tax foreclosure auction held on July 10, 2010; and

WHEREAS, the high bidder has agreed to purchase the property pursuant to the terms and conditions set forth in this resolution; therefore be it

RESOLVED, That the County Executive is authorized and empowered to transfer the former Portage Inn in the Village of Westfield (067201-192.20-1-15) to Paul C. Syracuse, 20 St. John Street, Gowanda, New York 14070, or his corporate designee, upon the following terms and conditions:

1. Purchase Price. \$100.00
2. Real Property Taxes. County shall be responsible for all real property taxes accruing to the property prior to April 1, 2010, and Purchaser shall be responsible for all taxes accruing to the property on or after April 1, 2010, including the 2010/2011 village taxes and 2010/2011 school taxes.
3. Code Compliance. Purchaser shall be obligated within nine (9) months from the date of transfer to secure and make safe the property pursuant to a written plan approved by the Village of Westfield code enforcement officer. Within four (4) years from the date of transfer, Purchaser shall be obligated to bring the property and its structures into full code compliance as approved by the Village of Westfield code enforcement officer. If said time thresholds are not met, Purchaser shall be obligated if requested by the County to transfer the Premises back to the County with no refund of the purchase price or taxes paid by the Purchaser.
4. Other. As negotiated by the County Executive.

Signed: Croscut

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RES. NO. 194-10

Quit Claim Deeds

At the Request of Chairman Fred C. Croscut:

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

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 137-09; now therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

8/25/10

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

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

Offer Number	Munic.	S/B/L	Property Location	Purchaser	Offer Amt.	Taxes Owning
<b>REACQUISITION CONTRACTS:</b>		<b>PREVIOUSLY APPROVED @ ASC MEETING HELD ON 10/19/2009</b>				
QC-10-2009	C/Dnk.	060300-79.11-6-52	117 Second	EDDIE LEE MARSHALL	5684.44	5684.44
QC-63-2009	C/Jmst.	060800-371.17-3-9	720 Buffalo	BILLY J NAPIER	6912.79	6912.79
QC-99-2009	C/Jmst.	060800-387.09-8-74	122 Ellis	PATRICIA L SHRADER	18579.82	18579.82
QC-133-2009	C/Jmst.	060800-387.26-3-37	16 Grant	BENJAMIN J OSMAN	8149.74	8149.74
QC-233-2009	V/Falconer	063803-107-4-2..S17	4 E Elmwood	CHARLES STERLING	910.21	910.21
QC-266-2009	V/Silver Crk.	064603-49.09-1-39	19 Andrus	BARBARA A KAMINSKI	14815.44	14815.44
QC-272-2009	Harmony	064889-450.00-1-11	131 Panama Bear Lk.	DONALD J AIKEN	5272.16	5272.16
QC-322-2009	Ripley	066200-240.16-2-6	21 Maple	BRADLEY R HAWKER	8029.82	8029.82
QC-336-2009	V/Sherman	066601-328.11-2-21	162 Main	G ARTHUR MARTIN JR	14370.72	14370.72
QC-350-2009	Villanova	067000-169.00-1-24	Route 83	THOMAS MIERZWA JR	22946.40	22946.40
<b>SUBTOTAL</b>					105671.54	105671.54
<b>REACQUISITION CONTRACTS:</b>		<b>PREVIOUSLY APPROVED @ ASC MEETING HELD ON 07/19/2010</b>				
QC-196-2010	Arkwright	062000-149.00-2-32	9008 Park Rd	JAMES P COLE	11376.55	11376.55
					<u>117048.09</u>	<u>117048.09</u>

Signed: Croscut