

CHAUTAUQUA COUNTY LEGISLATURE JANUARY 27, 2010

RES NO. 4-10

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

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments:

Lawrence Barter
9 Pine Drive
Fredonia, N.Y. 14063
Term Expires: 1/31/11

Brian Purol
3681 New Road
Dunkirk, N.Y. 14048
Term Expires: 1/31/11

Ronald Johnson
1265 Norby Road
Jamestown, N.Y. 14701
Term Expires: 1/31/11

Michael Przbycien
PO Box 111
Sheridan, N.Y. 13135
Term Expires: 1/31/11

Al Akin
PO Box 1001
Chautauqua, N.Y. 14722
Term Expires: 1/31/11

Scott Cummings
PO Box 234
Mayville, N.Y. 14757
Term Expires: 1/31/11

David Himelein
PO Box 617
Findley Lake, N.Y. 14736
Term Expires: 1/31/11

Raymond Lawson
21 Pleasant Avenue
Westfield, N.Y. 14787
Term Expires: 1/31/11

Ronald Trippy
6755 S. Portage Road
Westfield, N.Y. 14787-9614
Term Expires: 1/31/11

Randy Shampoe
PO Box 173
Clymer, N.Y. 14724
Term Expires: 1/31/11

Lance Hedlund
14 Dunn Avenue
Jamestown, N.Y. 14701
Term Expires: 1/31/11

Jackson Knowlton
2141 Shadyside Road
Lakewood, N.Y. 14750
Term Expires: 1/31/11

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

Bradley Rogers
12654 – Rte. 394
Randolph, N.Y. 14772
Term Expires: 1/31/11

Peter Fuller
25 N. Work Street
Falconer, N.Y. 14733
Term Expires: 1/31/11

Peter Samuelson
4696 Maple Grove Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/11

James Shepard
3669 Crestview Drive
Bemus Point, N.Y. 14712
Term Expires: 1/31/11

Al Hamm
3033 Open Meadows Rd.
Ashville, N.Y. 14710
Term Expires: 1/31/11

Steve Lehen
PO Box 394
Cassadaga, N.Y. 14718
Term Expires: 12/31/11

Greg Scott
3517 Cemetery Street
Kennedy, N.Y. 14747
Term Expires: 12/31/11

Mike Gleason
6524 Fiden Rd.
Mayville, N.Y. 14757
Term Expires: 12/31/11

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Matthew Oehlbeck
PO Box 90
Sherman, N.Y. 14781
Term Expires: 1/31/11
New Appointments:

Jeff Roberts/ Alternate
PO Box 83
Sheridan, N.Y. 14135
Term Expires: 12/31/11
Signed: Duff, Runkle, Richmond, Croscut, Beightol

Allen Parker/Alternate
8562 Shumla Rd.
Cassadaga, N.Y. 14718
Term Expires: 12/31/11

RES. NO. 5-10

Confirm Re-Appointments & Appointments – Chautauqua County Disaster Preparedness
Commission

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments:

Jeffrey A. Steager
401 Water St. (Business Address)
Fredonia, N.Y. 14063
Term Expires: 12/31/11

Jon R. Stahley
PO Box 273
Bemus Point, N.Y. 14712
Term Expires: 12/31/11

Keith D. Ahlstrom
PO Box 254
Dunkirk, N.Y. 14048
Term Expires: 12/31/11

Leslie Vattimo
276 Willard Street
Jamestown, N.Y. 14701
Term Expires: 12/31/11

Randall S. Peterson
29 Gwendolyn Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/11

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New Appointments:

Gary Carlson
2480 Riverside Road
Jamestown, N.Y. 14701
Term Expires: 12/31/12

Andrew Hill
P.O. Box 723
Jamestown, N.Y. 14702
Term Expires: 12/31/12

Lieutenant Eugene J. Staniszewski
NYS Police
3081 N. Main St. Ext. (Business Address)
Jamestown, N.Y. 14701
Term Expires: 12/31/12
Signed: Duff, Runkle, Richmond, Croscut, Beightol

Dan Imfeld
3944 Hillview Drive
Lakewood, N.Y. 14750
Term Expires: 12/31/12

RES. NO. 6-10

Confirm Appointments - 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 reappointment for action by the Chautauqua County Legislature, therefore be it

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

Troy Smith
6027 Old Route 17
Dewittville, N.Y. 14728
Term Expires: 12/31/12

Josh Lodestro (Youth Member)
3005 Moon Road
Jamestown, N.Y. 14701
Term Expires: 12/31/12

Signed: James, Cornell, Mueller, Stutzman, Lemon

RES. NO. 7-10

Confirm Re-Appointment – Chautauqua County Soil & Water Conservation District Board

By Legislator Shaun Heenan:

At the Request of County Executive Gregory J. Edwards:

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

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

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

Term Expires: 1/31/11

RES. NO. 8-10
Confirm Appointment – Public Defender

At the Request of Chairman Keith D. Ahlstrom:

RESOLVED, That William F. Coughlin, 39 Curtis Place, Fredonia, New York, be and hereby is appointed Public Defender of Chautauqua County for the year 2010 and 2011 at an annual salary of \$84,872.00 for 95% time.

Signed: Ahlstrom

RES. NO. 9-10
Authorize Execution of the New York State Office of Homeland Security Funding Grant Agreement – CBRNE Response Vehicle

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security Program Grant for the purchase of a CBRNE Response Vehicle for the Bomb Squad; and

WHEREAS, the State of New York will provide funding in the amount of \$146,778.00. for the initial contract period from September 1, 2008 to August 31, 2011 without appropriation of local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$146,778.00 without a local share; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.3 Depreciable Equipment - Sheriff Operations \$146,778

INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB Federal Aid – Sheriff, Bomb Detection \$146,778

Signed: Duff, Runkle, Richmond, Croscut, Beightol, Gullo, Park, Nazzaro, DeJoe, Gould

RES. NO. 10-10

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

By Public Safety and Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, the Sheriff has been approved to receive \$85,384 from the Governor's Traffic Safety Committee for use in participating in the enforcement campaign targeting aggressive driving and speeding for the term from October 1, 2009 to September 30, 2010; and

WHEREAS, it is necessary for the County to enter into an agreement with the Governor's Traffic Safety Committee in order to participate in this program and to obtain these grant funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute a grant agreement with the State of New York Governor's Traffic Safety Committee to participate in the "Selective Traffic Enforcement Program" and to receive grant funds in the amount of \$85,384 for the period from October 1, 2009 to September 30, 2010.

Signed: Duff, Runkle, Richmond, Croscut, Beightol, Gullo, Park, Nazzaro, DeJoe, Gould

RES. NO. 11-10

Authorize Annual Renewal of Agreement with New York State Unified Court System to Provide Court Security (2009-2014)

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By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of the Chautauqua County Sheriff provides security services for Family Court, County Court, Supreme Court, and the Family Court Support Magistrates in Chautauqua County pursuant to a five (5) year agreement with the New York State Unified Court System which expired March 31, 2009; and

WHEREAS, the Sheriff's Department has negotiated a new five (5) agreement with the New York State Unified Court System to provide such security services subject to annual renewals for adjustments for staffing and revised reimbursement amounts; and

WHEREAS, the New York State Unified Court System has approved the Sheriff's provision of suitable part-time Court Officers and Deputy Sheriffs with reimbursement to the County in the amount of \$660,000. for the period of April 1, 2009 through March 31, 2010; therefore be it

RESOLVED, That the County Executive and Sheriff are hereby authorized to execute an agreement with the New York State Unified Court System for court security services including adjustments to staffing schedules and reimbursement to the County by the State for part-time Court Officers and Deputy Sheriffs in the amount of \$660,000 for the period of April 1, 2009 through March 31, 2010 and also execute addenda or amendments for additional sums, if any, hereinafter due for services rendered during such period.

Signed: Duff, Runkle, Richmond, Croscut, Beightol, Gullo, Park, Nazzaro, DeJoe, Gould

RES. NO. 12-10

Adjust Accounts – Homeland Security Grant Funds for FYE 2007

By Public Safety & Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

WHEREAS, to meet the objectives of the program, the partial funds are requested to be moved from deferred revenue in order to purchase Medical Supply POD boxes and a Security System; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3989.----.2	Equipment – Emergency Medical Services	\$ 3,200
A.3010.----.3	Depreciable Equipment – Emergency Services	<u>\$10,000</u>
		\$13,200

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INCREASE REVENUE ACCOUNT:

A.3010.---R430.5004 Federal Aid – Emergency Services, Homeland Security \$13,200
Signed: Duff, Runkle, Richmond, Croscut, Beightol, Gullo, Park, Nazzaro, DeJoe, Gould

RES. NO. 13-10

Amend Budget for Existing Grant and Authorize Acceptance of a New Grant from the Office of Children and Family Services Grant

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 25-09 authorized the receipt of a grant award from the Office of Children and Family Services for the period of February 2009 through January 2010; and

WHEREAS, grant funds budgeted in 2009 were not fully expended. These funds (totaling \$6,500) need to be transferred to the 2010 budget so they can be expended before the end of the grant period (January 2010); and

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

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

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

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1 Personal Services - District Attorney	\$ 63,500
A.1165.----.8 Employee Benefits- District Attorney	24,791

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A.1165.----.4 Contractual - District Attorney	<u>33,448</u>
	\$121,739

INCREASE REVENUE ACCOUNT:

A.1165.----.R338.9012 Other Public Safety: CAC GRANT	\$121,739
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Signed: Park, DeJoe, Gould, Duff, Runkle, Richmond, Croscut, Beightol, Gullo, Nazzaro

RES. NO. 14-10

CARTS Grant for Purchase of Vehicles and Equipment Under the American Recovery and Reinvestment Act of 2009

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua has been approved for a grant of Federal funds by the New York State Department of Transportation pursuant to Section 5311 of Title 49 of the United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of thirteen (13) buses and related equipment and two (2) service vehicles; and

WHEREAS, Resolution 83-09 authorized application of this grant; and

WHEREAS, the County of Chautauqua and the State of New York are entering into an agreement which authorizes the undertaking of the Project and reimbursement to the municipality of 100% of the project cost through ARRA up to \$922,500; therefore be it

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

- 1) Any and all agreements between the County of Chautauqua and the State of New York for the above named Project;
- 2) Any and all agreements between the County of Chautauqua and any third party subcontractors necessary to complete the Project;
- 3) Any and all municipality/vendor contracts for the purchase and/or installation of vehicles and/or equipment; and be it further

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

ESTABLISH & INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5630.698.4	Contractual - CARTS ARRA Grant	\$922,500
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ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNT:

H.5630.698.R459.7000	Federal Aid: Transportation Capital Grant	\$922,500
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Signed: Nazzaro, DeJoe, Babbage, Barmore, Beightol, Gullo, Park, Nazzaro, Gould

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RES. NO. 15-10

Authorize Assignment and Conveyance of Rights-of-Way, Easement, and Transmission Lines
for the Landfill Gas to Energy Project

By Administrative Services and Public Facilities Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Legislature by Resolution 19-09 approved the acquisition of rights-of-way and easements for the Landfill Gas to Energy Project; and

WHEREAS, in accordance with the Small Generator Interconnection Agreement between the County, National Grid and the New York Independent System Operator, it is the responsibility of National Grid to own and maintain the transmission line and all structures and components of said line, including, but not limited to, the easement area; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to complete the assignment and conveyance of all rights-of-way, easements, transmission lines, and all other structures and components of said line to National Grid.

Signed: Nazzaro, DeJoe, Babbage, Barmore, Beightol, DeJoy, Scudder, Gullo, Caflisch

RES. NO. 16-10

Authorize Public Hearing on Proposed Lease of Airport Restaurant Facilities at Chautauqua
County Airport at Jamestown

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards and Legislators Babbage and Park:

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Donald G. Ross, 7 East Third Street, Lakewood, New York 14750, for the operation of the restaurant facilities at the County Airport at Jamestown; and

WHEREAS, the Airport Commission has considered and recommended a lease with the proposed tenant; and

WHEREAS, a public hearing pursuant to Article 14 of the General Municipal Law is required prior to approval of a lease of airport facilities; therefore be it

RESOLVED, That pursuant to provisions of the General Municipal Law a public hearing shall be held at the meeting of the County Legislature on February 24, 2010 at 6:45 pm in Legislative Chambers, Gerace Office building, Mayville, New York 14757 on the proposed lease of airport Restaurant facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of the sum of \$600 per month due on the first day of each month for the first 12 months, followed by a renegotiation of the rental amount for each 12 month period thereafter;
2. Term: A three year term beginning in June or July, 2010 and ending 36 months thereafter with an option to renew for an additional three

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- years upon such terms and conditions to be negotiated at that time;
- 3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal services;
- 4. Other: As negotiated by the County Executive; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to publish notice of this hearing at least ten (10) days prior thereto in the official newspapers of the County of Chautauqua.

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

RES. NO. 17-10

Adjust 2010 Budget – Polling Place Access Improvement Grant

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Board of Elections has received a grant from the NYS Board of Elections acting through the State of New York the in the amount of \$6,412 for the period from 2010-2014 for voting access for individuals with disabilities; and

WHEREAS, these funds are to be appropriated to establish, expand and improve access to and participation in the election process by individuals with a full range of disabilities; and

WHEREAS, this is a reimbursement based contract, and these funds must be expended by July 31, 2014; therefore be it.

RESOLVED, That the County Executive is hereby authorized to execute the grant agreement, therefore be it

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

INCREASE APPROPRIATION ACCOUNT

A.1450.----.4	Contractual - Board of Elections	\$6,412
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INCREASE REVENUE ACCOUNT:

R.1450.408.9000	Other Federal Aid - Board of Elections	\$6,412
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Signed: Gullo, DeJoy, Scudder, Barmore, Caflisch, Park, Nazzaro, DeJoe, Gould

RES. NO. 18-10

Adjust 2010 Budget for Board of Elections Expenditures for Computer Equipment

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By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Board of Elections will purchase computer equipment to enhance the elections process with inventory control and election night reporting; and

WHEREAS, the Board of Elections will expend the sum of fifty two thousand dollars (\$52,000.00) for such purpose; and

WHEREAS, these items were budgeted in the contractual account class but such expenses are considered equipment and a transfer of funds to the appropriate account class is necessary; therefore be it

RESOLVED, That the Director of Finance be authorized and directed to make the following 2010 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.1450.----.2	Equipment – Board of Elections	\$ 4,000
A.1450.----.3	Depreciable Equipment – Board of Elections	<u>\$48,000</u>
		\$52,000

DECREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual – Board of Elections	\$52,000
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Signed: DeJoy, Scudder, Barmore, Gullo, Caflich, Park, Nazzaro, DeJoe, Gould

RES. NO. 19-10
Accept HUD Lead Hazard Control Grant (Lead Safe IV)

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Department of Health and Chautauqua Home Rehabilitation Improvement Corp (CHRIC) have received federal grant funding in the amount of \$2,641,354 for the U.S. Department of Housing and Urban Development (HUD) Lead Hazard Control program *Lead Safe IV* (lead-based paint remediation) for the three-year period from 1/1/2010 to 12/31/2012; and

WHEREAS, the County has completed successful programs through Lead Safe I-III HUD grants and desires to continue childhood lead poisoning prevention efforts and lead hazard control efforts to improve quality of life and housing stock in Chautauqua County; and

WHEREAS, this program also serves as a resource to complete remediation in the high-risk homes identified through the existing Primary Prevention Pilot Project; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreement with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

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RESOLVED, That the County Executive is hereby authorized to enter into agreements with Chautauqua Home Rehabilitation Improvement Corp (CHRIC) and other agencies and organizations as necessary to carry out the objectives and requirements of this grant program. Signed: James, Cornell, Mueller, Stutzman, Lemon, Gullo, Park ,Nazzaro, DeJoe, Gould

RES. NO. 20-10
Increase Appropriation Accounts for WIC Grant Funding

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

WHEREAS, the New York State Health Department has awarded grant funding to the Chautauqua County Health Department for the Supplemental Nutrition Assistance Program for Women, Infants and Children (WIC); and

WHEREAS, the award for the first year of the five-year contract cycle is \$748,211 (for the period 10/1/09 to 9/30/10) and the 2010 Chautauqua County Adopted Budget does not include any funding for the 2010 portion of these grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreement with the above-named grantor for funding on an annual basis for so long as the Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis by letters of agreement between the parties; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with Cornell Cooperative Extension and other agencies and organizations as necessary to carry out the objectives and requirements of this grant program; and be it further

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

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

A.4082.----.2	Equipment – WIC Program	\$ 20,000
A.4082.----.3	Depreciable Equipment – WIC Program	20,000
A.4082.----.4	Contractual – WIC Program	<u>680,000</u>
		\$720,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4082.----.R448.2000	Federal Aid – WIC Program	\$720,000
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Signed: James, Cornell, Mueller, Stutzman, Lemon, Gullo, Park, Nazzaro, DeJoe, Gould

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RES. NO. 21-10

Authorize Director of Finance to Transfer Funds for Roblin Project

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County has committed to the redevelopment of former industrial sites off S. Roberts Road in the City of Dunkirk; and

WHEREAS, bids have been solicited for final environmental remediation, demolition and asbestos abatement activities for the former Roblin Steel site; and

WHEREAS, Chautauqua County is required to advance funds for these activities in order to receive 50% reimbursement for demolition and asbestos activities and 90% reimbursement for all remaining activities including soil cover and project oversight from an Environmental Restoration program grant administered by the New York State Department of Environmental Conservation; therefore be it

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

INCREASE CAPITAL PROJECT ACCOUNT:

H.6420.596.4	Contractual – Roblin Steel	\$412,000
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INCREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.6420.596.R399.5001	DEC - Brownfield: Robin Steel	\$319,236
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ESTABLISH AND INCREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.6420.596.R571.0000	Serial Bonds – Brownfield: Roblin Steel	\$ 92,764
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DECREASE CAPITAL PROJECT ACCOUNT:

H.6420.576.4	Contractual - Airport Hill Improvements	\$ 92,764
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DECREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.6420.576.R571.0000	Serial Bonds – Airport Hill Improvements	\$ 92,764
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Signed: Gullo, Park, Nazzaro, DeJoe, Gould, Heenan

RES. NO. 22-10

Awarding and Approval of Funding of Projects for 2010 2% Occupancy Tax Projects

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, by Resolution No. 167-09 the Chautauqua County Legislature authorized the Department of Planning & Economic Development to undertake the review of procedures required by the State Environmental Quality Review Act (SEQRA) for projects recommended by the Waterways Panel; and

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WHEREAS, the various involved agencies have considered and reviewed the projects consistent with the SEQRA and applicable state regulations and have made determinations that the proposed actions will not result in any significant environmental impacts and have prepared and filed Short Environmental Assessment Forms (SEAF), copies of which are annexed hereto together with the Negative Declarations and supporting data; and

WHEREAS, the Department of Planning & Economic Development recommends that the projects that are ranked numbers 1, 4, 6, 8, 9, 11 and 12 on the Waterways Panel list be classified as Type II Actions under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and accordingly do not require additional environmental review; and

WHEREAS, the Department of Planning & Economic Development recommends that the projects that are ranked 2, 3 5, 7, and 13 on the Waterways Panel list be classified as Unlisted actions under SEQRA and do not require a coordinated review; and

WHEREAS, the County has caused a Short Environmental Assessment Form (the “SEAF”) to be prepared and attached hereto; and

WHEREAS, the County has reviewed the SEAF for each project and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the actions to determine if the proposed actions may have any significant adverse environmental effects; therefore be it

RESOLVED, That based upon the foregoing reasons, the County Legislature hereby determines such actions will not have a significant potential adverse environmental impact pursuant to and in accordance with New York State Environmental Quality Review Act (Article 8 of the New York Environmental Conservation Law), and the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly issues a negative declaration; and be it further

RESOLVED, That project numbers 1 through 9 and 11 through 13 are hereby awarded the amounts as set forth by the Waterways Panels list of ranked and prioritized projects out of the 2% Occupancy tax in the 2010 County Budget.

Rank	Organization/Agency – Project Name	Amount Funded
1	Findley Lake Nature & Wildlife Education Center - Small island restoration project	\$ 14,000
2	Chautauqua Institution - Glidden Ave. Shoreline Reinforcement and Buffer Zone Creation	\$ 21,250
3	Maple Springs Improvement Committee Inc - Shoreline Protection Project	\$ 39,795
4	Chautauqua County Soil and Water Conservation District (CLMC) - Chautauqua Lake Watershed Ditch Stabilization Project	\$20,000
5	Chautauqua County Soil and Water Conservation District - Mid-Knight Farm Raised Cattle Laneway	\$40,000
6	Chautauqua County Soil and Water Conservation District - Chautauqua County Road Ditch Stabilization Project	\$ 20,000
7	Town of Busti & Village of Lakewood - Channel Improvements to Stream Tributary to Locust Street	\$ 40,000
8	Town of North Harmony - Lighthouse Park – Permeable Paver Parking Area	\$ 40,000
9	Town of North Harmony - Route 474 Ashville – Water Garden	\$ 36,350
11	Chautauqua County Soil and Water Conservation District	\$ 25,000

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	(CLMC) - Watershed Technical Services 2010	
12	Great Lakes FX - U.S. Green Corps	\$ 1,500
13	Town of Ellicott - Hunt Road Detention Pond & Sediment Trap	\$ 40,000
Total		\$ 337,895

Signed: Gullo, Park, Nazzaro, DeJoe, Gould, Heenan

RES. NO. 23-10

A Resolution (1) Designating a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and (2) Assigning Recovery Zone Facility Bond Volume CAP to the County of Chautauqua Industrial Development Agency Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Facility Bonds

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code (“ARRA”) and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009, Chautauqua County (the “County”) has received (1) an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$1,813,000 (the “Recovery Zone Economic Development Bond Allocation”) and (2) an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$2,719,000 (the “Recovery Zone Facility Bond Allocation”); and

WHEREAS, Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the “Code”) authorizes the County, as the issuer of the Recovery Zone Economic Development Bonds issued pursuant to the Recovery Zone Economic Development Bond Allocation, to designate an area within the County that the County will determine has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress and designate as a “recovery zone” for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code (the “Economic Development Bond Recovery Zone”); and

WHEREAS, the County understands that (1) County of Chautauqua Industrial Development Agency (the “Agency”) desires to use the Recovery Zone Facility Bond Allocation to issue Recovery Zone Facility Bonds pursuant to Section 1400U-3 of the Code, (2) accordingly, the Agency is requesting that the County assign the County’s Recovery Zone Facility Bond Allocation to the Agency, and (3) if such assignment is made to the Agency, Section 1400U-1 of the Code authorizes the Agency, as the issuer of the Recovery Zone Facility Bonds issued pursuant to the Recovery Zone Facility Bond Allocation, to designate an area within the County that the Agency will determine has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress and designate as a “recovery zone” for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code (the “Facility Bond Recovery Zone”); and

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WHEREAS, the County understands that, pursuant to the provisions of ARRA, both the Recovery Zone Economic Development Bonds and the Recovery Zone Facility Bonds must be issued prior to January 1, 2011; and

WHEREAS, the County understands that the Agency will use the proceeds of the Recovery Zone Facility Bonds to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone;

WHEREAS, the County is authorized by applicable federal, state and local law to assign the Recovery Zone Facility Bond Allocation, in whole or in part, to the Agency for the purposes provided herein; therefore, be it

RESOLVED, as follows:

Section 1. The entire County of Chautauqua may be designated a recovery zone because the County has an unemployment rate exceeding 7.7% in October, 2009, an estimated poverty rate of 15.1% in calendar year 2007, a rate of home mortgage delinquency that has increased in the third quarter of calendar year 2009, and is generally economically distressed by these factors. These conditions are a consequence of the recent housing market collapse, the impact of the national recession, and the fiscal crisis experienced by the State of New York and local communities. Accordingly, for purposes of Sections 1400U-1 and 1400U-2 of the Code, the County hereby designates the entire County of Chautauqua as a recovery zone. The recovery zone shall be identified as the "Chautauqua County Recovery Zone."

Section 2. The County Legislature of the County in good faith hereby assigns and transfers \$2,719,000 of the County's Recovery Zone Facility Bond Allocation to the Agency in order that the Agency may issue Recovery Zone Facility Bonds in order to finance expenditures for recovery zone property, within the meaning of Code Section 1400U-3(c), with respect to the Facility Bond Recovery Zone to be designated by the Agency for purposes of Sections 1400U-1 and 1400U-3 of the Code.

Section 3. The appropriate staff and officers of the County are authorized and directed to take all necessary steps and do such acts to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this resolution in connection with assigning the County's Recovery Zone Facility Bond Allocation to the Agency.

Section 4. This Resolution shall take effect immediately.
Signed: Gullo, Park, Nazzaro, DeJoe, Gould, Heenan

RES. NO. 24-10

Authorizing Conveyance of Land to the Town of North Harmony

By Administrative Services and Audit & Control Committee:
At the Request of County Executive Gregory J. Edwards and Legislator Gould:

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WHEREAS, Chautauqua County is the record owner of certain parcels identified on the Chautauqua County Tax Maps as Section 384.10, Block 1, Lots 35 and 36 at the intersection of Maple Avenue and Route 474 in Ashville; and

WHEREAS, the Town of North Harmony has offered to purchase this property from the County for One Thousand Dollars (\$1,000.00) to use the property as a public park; and

WHEREAS, the establishment of a public park in Ashville would be beneficial to both the Town and County and would enhance recreational opportunities for both local residents and visitors; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a deed conveying the parcels identified on the Chautauqua County Tax Maps as Section 384.10, Block 1, Lots 35 and 36 at the intersection of Maple Avenue and Route 474 in Ashville to the Town of North Harmony for the sum of One Thousand Dollars (\$1,000.00), and be it further

RESOLVED, That all other terms and conditions of said transfer shall be negotiated by the County Executive with the Town of North Harmony.

Signed: DeJoy, Scudder, Barmore, Gullo, Caflisch, Park, Nazzaro, DeJoe, Gould

RES. NO. 25-10

Authorizing Conveyance of Land to the City of Dunkirk

At the Request of Chairman Keith D. Ahlstrom:

WHEREAS, Chautauqua County is the record owner of certain parcels identified on the Chautauqua County Tax Maps as Section 79.15, Block 5, Lot 47 known as 424 Park Avenue in the City of Dunkirk; and

WHEREAS, the City of Dunkirk has offered to purchase this property from the County for Two Thousand One Hundred and Seventy Nine Dollars (\$2,179.00) for the purpose of rehabilitating the property; and

WHEREAS, the rehabilitation of this property in the City of Dunkirk would be beneficial to both the City and County and would enhance the property for both local residents; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a deed conveying the parcels identified on the Chautauqua County Tax Maps as Section 79.15, Block 5, Lots 47 known as 424 Park Avenue in the City of Dunkirk for the sum of Two Thousand One Hundred and Seventy Nine Dollars (\$2,179.00), and be it further

RESOLVED, That all other terms and conditions of said transfer shall be negotiated by the County Executive with the City of Dunkirk.

Signed: Ahlstrom

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RES. NO. 26-10

Approving Transfer of Tax Foreclosure Property to Jamestown Renaissance Corporation

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the non-profit Civic Center Development Corporation acquired the former Wintergarden theater in Jamestown in 1996 subject to real property tax liens that now total over \$14,215.00 inclusive of penalties and interest; and

WHEREAS, the property is in severe disrepair and the Civic Center Development Corporation was unable to find a developer or other means by which to successfully redevelop the property; and

WHEREAS, the non-profit Jamestown Renaissance Corporation, with assistance from the Gebbie Foundation, has offered to purchase the property for \$1.00 with the condition that it will complete a demolition of the structure and seek to redevelop the vacant parcel; therefore be it

RESOLVED, That upon the County receiving a deed in lieu of foreclosure from the Civic Center Development Corporation, the County Executive is authorized and empowered to convey the former Wintergarden Theater in Jamestown (tax parcel # 387.40-2-18) to the Jamestown Renaissance Corporation for the purchase price of \$1.00, contingent upon the Corporation demolishing the building on the property in order to facilitate the future redevelopment of the property.

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

RES. NO. 27-10
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

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Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	Parcel ID No	Property Location	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
QC 387-09	Gerry/Sinclairville	064401-268.05-1-9	Damon Hill Road Rear	David Crossley	Loren Allen Carson	\$1.00	\$1,165.23

Signed: DeJoy, Scudder, Barmore, Gullo, Caflich