

RES. NO. 85-10
Confirm Appointment – Off Track Betting

By Planning & Economic Development Committee:

At the Request of Chairman Fred C. Croscut:

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

Frank "Jay" Gould
70 Hoag Road
Ashville, N.Y. 14710 Replaces Chet Tarnowski
Signed: Park, Tarbrake, Borrello, Heenan

RES. NO. 86-10
Confirm Appointment – Chautauqua County Housing & Neighborhood Revitalization Task Force

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 193-08 established the Chautauqua County Housing and Neighborhood Revitalization Trust Fund; and

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Chautauqua County Housing and Neighborhood Revitalization Task Force.

Ronald B. Andzelik
6047 Gull Road
Mayville, N.Y. 14757 Term Expires: 4/30/12

Charles Cornell
20 Dewey Place
Jamestown, N.Y. 14701 Term Expires: 4/30/12
Signed: Park, Tarbrake, Borrello, Heenan

RES. NO. 87-10

Confirm Appointment - Chautauqua County Aging Advisory Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Aging Advisory Council.

Elizabeth Turzillo

6 Alpine Drive

Silver Creek, N.Y. 14136-1304

Term Expires: 3/31/2012

Signed: Lemon, Gould, Ahlstrom

RES. NO. 88-10

Amend Rules & Regulations of the Chautauqua County Legislature

By Administrative Services Committee:

At the Request of Legislators Runkle and Richmond:

WHEREAS, the County Legislature's current rules and regulations were enacted and amended pursuant to Resolutions 142-02, 243-02, 74-03, 160-03, 216-03, 55-05, 86-06, 109-06, 224-07, and 82-09; and

WHEREAS, Rule 5(B) of Section I in the rules and regulations currently allows for legislative consideration of motions only if signed by two-thirds of the members of the Legislature; and

WHEREAS, the two-thirds signature requirement for motions should be reduced to provide greater opportunity for legislative consideration of motions; therefore be it

RESOLVED, That the last sentence of Rule 5(B) of Section I in the Rules and Regulations of the Chautauqua County Legislature is hereby amended to state as follows:

In addition to the above requirements, the Clerk of the Legislature must certify to the Legislature upon presentation of all motions that a particular motion is signed by at least a majority ~~two-thirds~~ of the members of the Legislature, otherwise a particular motion shall not be considered.

Signed: Barmore, Lemon, DeJoy, Scudder (Cornell voting "no")

RES. NO. 89-10

Authorization to Place the Moving Wall Banner and Plaque Honoring the Lost Patriots of the Vietnam War

By Administrative Services Committee:

At the Request of Legislator DeJoe:

WHEREAS, The Moving Wall is a somber reminder of the 58,261 patriots lost for their gallant service during the Vietnam War; and

WHEREAS, The Moving Wall represents the commitments and dedication to the ultimate price brave Americans commit themselves to keep America free; and

WHEREAS, The Moving Wall shall serve as a permanent reminder to ensure our fallen heroes are never forgotten; and

WHEREAS, the Chautauqua County Legislature is committed to honoring our fallen heroes in the Vietnam War; therefore let it be

RESOLVED, That the Chautauqua County Legislature authorizes the placement of a banner and plaque to honor their efforts be placed on the third floor hall of the Gerace Office Building with the concurrence of the Chairman of the Legislature and the Minority Leader.

Signed: Barmore, Lemon, DeJoy, Scudder, Cornell

RES. NO. 90-10

Accept Grant from FAA to Perform Engineering Design for the Replacement of Airfield Guidance Signs and Acquire Friction Measuring Device

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County has been awarded \$25,000 from FAA to perform Engineering Design for the Replacement of Airfield Guidance Signs and to acquire a Friction Measuring Device; and

WHEREAS, the County of Chautauqua and the State of New York will enter into an agreement which authorizes the undertaking of the project, and reimbursement to the municipality of 2.5% of the project cost; and

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

WHEREAS, the FAA has approved the project for the Chautauqua County Airport at Jamestown to perform Engineering Design for the Replacement of Airfield Guidance Signs and Acquire Friction Measuring Device, AIP Project No. 3-36-0048-38-10; and

WHEREAS, in anticipation of this grant being awarded, the Chautauqua County Airport received local share funding for the Friction Meter project in the 2007 Adopted Budget in the

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amount of \$2,631 (H.5610.146), and the Airport was budgeted \$20,000 in the 2010 Adopted Budget for the Airfield Guidance Signage project (H.5610.25771.); and

WHEREAS, these budgeted amounts should now be adjusted to \$3,500 in H.5610.146 and \$22,816.00 in H.5610.25771 to equal \$26,316 received in this grant including the local and New York State matches; therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for design Project No. 3-36-0048-10 at the Chautauqua County Airport at Jamestown; and be it further

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

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

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

INCREASE CAPITAL PROJECT ACCOUNTS:

H.5610.146.4	Contractual – Pavement Friction Meter	\$ 869.00
H.5610.25771.4	Contractual – Airfield Guidance Signage	<u>2,816.00</u>
		\$ 3,685.00

ESTABLISH & INCREASE CAPITAL PROJECT REVENUE ACCOUNTS:

H.5610.146.R359.7000	State Aid: Transportation Capital Grant	\$ 87.50
H.5610.146.R459.7000	Federal Aid: Transportation Capital Grant	3,325.00
H.5610.25771.R359.7000	State Aid: Transportation Capital Grant	2,675.00
H.5610.25771.R459.7000	Federal Aid: Transportation Capital Grant	70.50
H.5610.25771.R503.1000	Interfund Transfer	<u>70.50</u>
		\$ 6,228.50

DECREASE CAPITAL PROJECT REVENUE ACCOUNT:

H.5610.146.R503.1000	Interfund Transfer	\$ 2,543.50
Signed: Babbage, DeJoe, Stewart, Gould, Nazzaro, Gullo, Park, Richmond		

RES. NO. 91-10

CARTS Grant for Section 5311 and American Recovery and Reinvestment ACT Supplemental Capital Grant

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 14-10 provided funding through the American Recovery and Reinvestment Act for 13 buses, related equipment, and two service vehicles and Resolution 73-08 provided funding for building renovations to include roof repairs at 234 Hopkins Avenue, Jamestown; and

WHEREAS, the County of Chautauqua has been approved for additional grant funds by the New York State Department of Transportation pursuant to Section 5311, Title 49, United States Code and the American Recovery and Reinvestment Act of 2009 (ARRA) for the purchase of Four (4) additional replacement buses and related equipment and funds to complete the roof project at 234 Hopkins Avenue, Jamestown; 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 \$330,000 (\$280,000 for the purchase of four replacement buses and \$50,000 to complete the roof project); 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 changes to the capital budget:

INCREASE CAPITAL APPROPRIATION ACCOUNTS:

H.5630.652.4	Contractual – CARTS Buses & Building Renovations	\$ 50,000
H.5630.698.4	Contractual – CARTS ARRA Grant	<u>280,000</u>
		\$330,000

ESTABLISH & INCREASE CAPITAL REVENUE ACCOUNTS:

H.5630.652.R459.7000	Federal Aid: Transportation Capital	\$ 50,000
H.5630.698.R459.7000	Federal Aid: Transportation Capital	<u>280,000</u>
		\$330,000

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

RES. NO. 92-10

CARTS Grant New York State Department of Transportation (NYSDOT) Section 5316 – Job Access and Reverse Commute (JARC)

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

WHEREAS, the U.S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support eligible projects under Section 5316 JARC (FTA C 9050.1); and

WHEREAS, NYSDOT has been designated by the Governor of the State of New York to administer Section 5316 Federal formula reimbursement funds for projects designed to increase access for welfare recipients and low income persons to employment, as identified through a coordinated planning process, and consistent with the eligible activities described in the FTA Circular 9050.1; and

WHEREAS, the County of Chautauqua will enter into contract with NYSDOT for a "Voucher Program" for FTA Section 5316 Federal funds to implement an eligible JARC service in the County of Chautauqua for an awarded Federal Share amount of \$75,000 including the provision by it of the FTA required Local Share of \$75,000 project costs; and

WHEREAS, the County of Chautauqua has fulfilled the FTA coordinated plan requirements that the project "must be derived from the project area Coordinated Plan"; and

WHEREAS, the grant period runs from September 1, 2009 through August 31, 2011 and the amount to be expended in 2010 is estimated to be \$44,002 and the balance of the grant will be included in the 2011 budget; therefore be it

RESOLVED, That the County of Chautauqua does hereby authorize the County Executive, to file and execute applications and execute contracts and agreements on behalf of the County of Chautauqua with NYSDOT to aid in the financing of an operating assistance and/or capital/mobility management project(s) pursuant to FTA Section 5316 JARC (FTA C99050.1), as amended; and be it further

RESOLVED, That the Senior Project Coordinator is authorized to file all Annual FTA Certification and Assurances or any other document required by NYSDOT; and be it further

RESOLVED, That the County Executive is authorized to submit and approve payment requests for reimbursement of Section 5316 Federal funds from the NYSDOT for eligible activities within the FTA Section 5316 JARC project(s); and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes and directs the Director of Finance to make the following changes to the 2010 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.5630.5625.1	Personal Services – CARTS	\$ 2,728
A.5630.5625.4	Contractual – CARTS	39,910
A.5630.5625.8	Fringe Benefits – CARTS	<u>1,364</u>
		\$44,002

ESTABLISH & INCREASE REVENUE ACCOUNTS:

A.5630.5625.R178.9000	Other Transportation Income	\$18,163
A.5636.5625.R458.9006	Federal Aid: JARC Grant	<u>25,839</u>
		\$44,002

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

RES. NO. 93-10

Authorize Correction of Erroneous Assessment

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the owner at the corner of Route 20 & Forsythe Road Ripley, NY 14755, parcel 066200-225.00-1-13, applied for a correction of the tax roll due to an alleged error of the assessor in cancelling an exemption to classify the property as agricultural; and

WHEREAS, the Director of Real Property Tax Services investigated the application to correct the tax roll and has determined the request to be meritorious; and

WHEREAS, the assessment should properly be assessed at \$23,950 instead of \$152,500, and

WHEREAS, the taxpayer overpaid taxes in the amount of \$7,115.70; therefore be it

RESOLVED, That the Chairman of the Legislature is hereby authorized to approve the Application for Corrected Tax Roll; and be it further

RESOLVED, That the Director of Finance of Chautauqua County is hereby authorized to refund to the taxpayer the amount of overpaid taxes, fees and interest in the amount of \$7,115.70. Signed: Barmore, Lemon, DeJoy, Scudder, Cornell, Gould, Nazzaro, Gullo, Park, Richmond

RES. NO. 94-10

Amend Capital Budget for the New York State Office of Real Property Services Centralized Property Tax Administration Program Grant

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution No.21-08 authorized the application, acceptance, and implementation of three grants from the New York State Office of Real Property Services Centralized Property Tax Administration Program; and

WHEREAS, such resolution also authorized the necessary budget adjustments but did not provide the account data needed to make necessary amendments to the capital budget; therefore be it

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1310.621.4 Contractual – Tax Collection & Enforcement \$100,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.1310.621.R309.7007 State Aid: ORPS Grant \$100,000

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

RES. NO. 95-10

State Homeland Security Program for Fiscal Year 2009

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds of \$244,810 from the FY09 State Homeland Security Program (SHSP); and

WHEREAS, the grant is to support the implementation of the State Homeland Security Strategy and to address the identified planning, equipment, training and exercise needs for acts of terrorism and other catastrophic events; and

WHEREAS, the grant period runs from August 1, 2009 through July 31, 2012 and the Office of Emergency Services anticipates it will expend the funds beginning in 2011; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award.

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

RES. NO. 96-10

Accept 2009 Citizen Corps Grant Award

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds in the amount of \$79,283.64 from the New York State Emergency Management Office for Citizen Corps Grant for Fiscal Year 2009; and

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

WHEREAS, the grant period runs from September 1, 2009 through August 31, 2012; and

WHEREAS, the Office of Emergency Services intends to utilize this funding in its 2011 and 2012 budgets; therefore be it

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

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

RES. NO. 97-10

Homeland Security Grant for FYE 2008 Adjust Accounts – Radiation Detection Equipment

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2008 in the amount of \$207,750; and

WHEREAS, Resolution 108-09 authorized the County Executive to sign and accept the Homeland Security Grant Program 2008 funds that continue through August 31, 2011; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase Radiation Detection Equipment; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.3	Depreciable Equipment – Emergency Services	\$14,092
A.3640.----.2	Equipment – Emergency Services	\$10,908

INCREASE REVENUE ACCOUNT:

A.3640.----R430.5004	Federal Aid – Emergency Services, Homeland Security	\$25,000
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Signed: Richmond, Duff, Himelein, Runkle, Mueller, Gould, Nazzaro, Gullo, Park

RES. NO. 98-10

Adjust Accounts – HLS Grant Funds for FYE 2007 – Integrated Computer System

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, Resolution 77-08 did not include the appropriate Resolved clause to authorize the County Executive to sign and accept the Homeland Security Grant and this omission should be corrected; and

WHEREAS, Resolution 77-08 stated the revenue would be put in the deferred revenue account however, the revenue was not received in advance and therefore has not been placed into the deferred revenue account; and

WHEREAS, the grant period runs from July 1st 2007 – June 30th 2010; and

WHEREAS, to meet the objectives of the program, partial funds are, at this time, to be used to purchase an Integrated Computer System; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to implement this grant and accept the funding; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.3 Depreciable Equipment – Emergency Services \$18,960

INCREASE REVENUE ACCOUNT:

A.3010.---R430.5004 Federal Aid – Emergency Services, Homeland Security \$18,960

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

RES. NO. 99-10

Authorize Grant Application Through the NYS Office of Community Renewal Community Development Block Grant (CDBG)

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Office of Community Renewal (OCR) has up to \$750,000 of grant funding available through its Community Development Block Grant (CDBG) program for community and economic development and housing programs benefiting low-to moderate income households in Chautauqua County; and

WHEREAS, the County has developed one project for CDBG funding; and

WHEREAS, the County plans to propose funding to the OCR of \$250,000 for private water and wastewater system assistance; and

WHEREAS, the Chautauqua County Department of Health will hold two public meetings on this funding: the first to elicit public input to the program; the second, comments on the final proposals; and

WHEREAS, the County will complete preparation of the proposals for filing by April 23, 2010, the CDBG deadline; therefore be it

RESOLVED, That the County Executive is hereby authorized to apply for the CDBG funding and to execute any agreements necessary to secure such funding.

Signed: Lemon, Gould, Ahlstrom, Nazzaro, Gullo, Park, Richmond

RES. NO. 100-10

Increase Appropriation Accounts for COLA Funding

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Department of Health has awarded Cost of Living Adjustment (COLA) awards to the Chautauqua County Department of Health for programs as outlined in Part C.1.5 of Chapter 57 of the Laws of 2006; and

WHEREAS, these funds must be used for recruitment and retention of staff or other critical non-personal service costs; and

WHEREAS, the 2010 Chautauqua County Adopted Budget does not include these additional grant monies, now, therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.4010.----.1	Personal Services – Other	\$ 4,233
A.4035.----.4	Contractual – Family Health	\$40,646
A.4042.----.4	Contractual – Rabies	\$ 1,720
A.4090.----.2	Equipment – Environmental Health	\$ 3,992
A.4189.LEAD.2	Equipment – Lead Testing	\$ 5,400
A.4189.LEAD.4	Contractual – Lead Testing	<u>\$11,425</u>
		\$67,416

INCREASE REVENUE ACCOUNTS:

A.4035.----.R345.0FPC	State Aid – Family Planning COLA	\$44,879
A.4042.----.R345.0000	State Aid – Other Public Health	\$ 1,720
A.4090.----.R348.9ATC	State Aid – ATUPA COLA	\$ 3,992
A.4189.LEAD.R345.0CLC	State Aid – Childhood Lead COLA	\$ 3,426
A.4189.LEAD.R345.0LPC	State Aid – Lead Pilot COLA	<u>\$13,399</u>
		\$67,416

Signed: Lemon, Gould, Ahlstrom, Nazzaro, Gullo, Park, Richmond

RES. NO. 101-10

Authorize Lease of Temporary Office Space at 318 Central Avenue, Dunkirk, for the Chautauqua County Department of Social Services

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

WHEREAS, 318 Central Avenue, Dunkirk, NY, is available and suitable for use by the Department of Social Services; therefore be it

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

1. Premises: Approximately 1650 square feet of office space at 318 Central Avenue, Dunkirk, NY.
2. Term: April 19, 2010 to October 18, 2010 with options to renew.
3. Rent: \$1,375.00 per month.
4. Utilities: County shall pay for phone and data; Landlord shall pay all other utilities.
5. Term & Condition The Chautauqua County Department of Health will inspect all areas of the building to meet present health standards.
6. Other: As negotiated by the County Executive.

Signed: Nazzaro, Gullo, Park, Richmond, (Gould voting "no" – AC) – (H.S. Passed on w/o recommendation)

RES. NO. 102-10

Establish Health Department Trust and Agency Account

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Health Department Clinic in Dunkirk was damaged by fire on February 24, 2010; and

WHEREAS, various organizations have expressed interest in holding fund raisers to assist in rebuilding Health Department Clinic operations in the City of Dunkirk; and

WHEREAS, funds may not be expended within the current fiscal year due to the unknown timeline of establishing a permanent location for a new Dunkirk Health Department Clinic; and

WHEREAS, creation of a trust and agency account would allow donations to be accepted and excess insurance proceeds to be deposited to be utilized at a later date; therefore be it

RESOLVED, That the Director of Finance is hereby directed to establish a trust and agency account in the name of Chautauqua County Health Department.

Signed: Lemon, Gould, Ahlstrom

RES. NO. 103-10

Authorizing Contracts with New York State for Child Care Inspection and Registration Services

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, The State of New York is authorized under Section 390 of the Social Services Law of the Laws of 1990, to register and inspect child day care programs and to contract for implementation responsibilities for such services while retaining overall responsibility for the administration of the program; and

WHEREAS, The Chautauqua County Department of Social Services is empowered to receive and expend funds for these purposes and is prepared to provide the local implementation of the child care inspection and registration; and

WHEREAS, by taking on these responsibilities at the local level, the Chautauqua County Department of Social Services can increase the availability and quality of child care in this county and can provide for more timely inspections and registration; and

WHEREAS, affordable quality child care is a necessary component of the Welfare Reform Act and is necessary to assist families in achieving and maintaining self sufficiency; therefore be it

RESOLVED, That the County Executive is authorized to enter into contracts with the State of New York to provide child care inspection and registration services through December 31, 2010 within the limits of funds available for such purpose.

Signed: Lemon, Gould, Ahlstrom

RES. NO. 104-10

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

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

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

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

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

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

1. That all interest earned from the Matching Funds Program monies be expended for generic County advertising according to the New York State guidelines for the Program, and

2. That all discounts, refunds and advertising agency commissions earned through the Matching Funds Program be reflected in the respective participant's account, and

3. That all of the participant's accounts be reconciled monthly and at the end of the program, and that Chautauqua County Visitors Bureau collect from or refund to participant's such local share as necessary to balance their respective accounts, provided that any local share less than \$50.00 be maintained by the Chautauqua County Visitors Bureau in the matching Funds account and expended for additional generic advertising for the County, and

4. That the above requirements be stated in the Program agreement with each participant, and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$396,000.00 for the state fiscal year from April 1, 2010 through March 31, 2011.

Signed: Park, Tarbrake, Borrello, Heenan, Gould, Nazzaro, Gullo, Richmond

RES. NO. 105-10

Authorize Agreement w/ the City of Jamestown for the Operation and Administration of the Economic Development Zone

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the City of Jamestown, the Village of Falconer, and the Town of Ellicott have jointly formed an economic development zone known as the Greater Jamestown Economic Development Zone (EDZ); and

WHEREAS, the County of Chautauqua has appropriated necessary funds to provide the local share required for the administration expenses of the EDZ for the current fiscal year; and

WHEREAS, this Legislature has appropriated the sum of Twenty Seven Thousand Six Hundred and Two Dollars, (\$27,602), for this purpose; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the City of Jamestown, individually and on behalf of the Greater Jamestown Empire Zone for the administration and operation of the Greater Jamestown Economic Development Zone for the current fiscal year.

Signed: Park, Tarbrake, Borrello, Heenan, Gould, Nazzaro, Richmond

RES. NO. 106-10

Authorize Transfer of Tax Foreclosure Property to Celoron Rod & Gun Club

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, on January 7, 2008, Chautauqua County Court issued an order granting the County of Chautauqua temporary incidents of ownership (TIO) for the former Penn Empire Transport, Inc. property identified as parcels 369.19-6-1 and 369.19-6-2 in the Village of Celoron; and

WHEREAS, this TIO was necessary to allow the County to provide NYSDEC access to the property for the purpose of conducting an environmental investigation to determine the County's potential liability in the event the County completed a tax foreclosure of the property; and

WHEREAS, a report, completed in September 2009 at NYSDEC's expense, indicated benign environmental conditions across the site with the exception of abandoned solid waste and lead impacted soils on the eastern portion of the property and along the boundary with the Celoron Rod and Gun Club; and

WHEREAS, following review of the NYSDEC report, the County completed the tax foreclosure and took ownership of the 9.3 acre property in March, 2010; and

WHEREAS, the Celoron Rod and Gun Club has expressed a willingness to accept a conveyance of the 3.999 acre wooded portion of the site that borders their existing club property and contains lead impacted soils; and

WHEREAS, the County has determined that the remaining 5.30 acres including various buildings should be marketed for economic development, and that it would be in the best interest of the County to separately convey the 3.999 acre wooded parcel containing lead impacted soils to relieve the County and future developers of potential environmental liability; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the County Executive to convey to the Celoron Rod and Gun Club the above-described 3.999 acres of real property on the following terms and conditions:

1. Purchase Price. \$1.00
2. Survey and Recording Charges. Club to reimburse the County for costs incurred
3. Taxes. Applicable future taxes the responsibility of the Club
4. Other. As negotiated by the County Executive

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

RES. NO. 107-10

Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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

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

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

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

WHEREAS, it is unfortunately necessary in this extraordinary fiscal period to continue the County's .75% additional sales tax in order to: (1) prevent a corresponding increase in County real property taxes; (2) maintain the County's exemption of residential energy from local sales tax (\$5.3 million); and (3) continue to hold the cities, towns, and villages harmless from the residential energy tax exemption (\$2.1 million); therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to continue the County of Chautauqua's authorization to impose a sales tax of three-quarters of one percent (.75%) for the period December 1, 2010 through November 30, 2011, subject to the same requirements set forth in Chapter 174 of the Laws of 2010 for the period December 1, 2009 to November 30, 2010, including the following:

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

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

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

Barmore, Scudder, Lemon, Gould, Nazzaro, Park, Richmond (A.S. – Cornell & DeJoy voting "no") (A.C. – Gullo voting "no")

RES. NO. 108-10
 Authorizing Quit Claim Deeds

By Administrative Services and Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

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

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

Offer Number	Municipality	Parcel ID No.	Property Location	Purchaser	Class Code	Offer Amount	Taxes Owing
QC 147-09	Jamestown	387.42-2-6	14 Elk	Thomas L. Oldro	210	\$4,578.85	\$4,578.85
QC 264-09	Hanover/SC	32.18-7-23	Central	Wallace & Diane Baker	311	\$200.00	\$969.64
Totals:						\$4,778.85	\$5,548.49

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