

09/22/10

Chautauqua County Legislature

6:30 P.M.

**CALL TO ORDER
ROLL CALL
PRAYER BY LEGISLATOR JAMES
PLEDGE OF ALLEGIANCE
APPROVAL OF THE MINUTES FOR 08/25/10
PRIVILEGE OF THE FLOOR**

PRESENTATION

**2011 COUNTY BUDGET
BY COUNTY EXECUTIVE GREGORY J. EDWARDS**

COMMUNICATIONS:

1. Letter – Co. Executive – Appts. – STOP DWI Board
 2. Report – Fn. Dir. Schulz – Re: August 2010 Investment Results
 3. Letter – Chaut. Co. Envir. Mangmt. Council – Re: Continue Funding of Waterway Projects
 4. Report – Small Business Development Center – Qrtly. (4/1/10-6/30/10)
 5. Letter – Niagara Co. Legislature – Re: Copy of Res. L-042-10 – Re: Asian Carp Infestation
 6. Letter – NYS Office of Comptroller – Re: Ack. Receipt of Res. 192-10 (Sales Tax)
 7. Letters (2) - Senator Young - Re: Ack. Receipt of Motions 6-7-8-9-11-10
 8. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 11-10
 9. Letter – Gov. Paterson – Ack. Receipt of Motion 11-10
 10. Highlights - NYS Dept. of Enviro. Consver. – Fish & Wildlife Monthly 5/16/10 - 6/15/10
 11. Info – NYS - ORPTS – Equalization Rates – 2010
 12. Notice – Public Hearing – National Grid – Electric Rates
 13. Letter/Packet- CLMC – Re: Exec. Summary & Preface of the Chaut. Lake Watershed Management Plan
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**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 08/25/10**

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RESOLUTIONS:

- 196-10 Confirm Appts. – STOP DWI Advisory Board**
- 197-10 Changing Place of Chaut. Co. Leg. October, 2010 Budget Meeting**
- 198-10 Accept FAA Grant – Snow Removal Equipment (Snow Plow Truck)**
- 199-10 Accept FAA Grant – Land Acquisition - Existing R/W 6-24-Dnk. Airport**
- 200-10 Auth. Funding for Future Abandonment of Proposed Gas Well @ CCH**
- 201-10 Auth. Implementation & Funding – Webster Rd. Bridge – T/Pomfret**
- 202-10 Auth. Tower Lease Agrmt. w/ National Oceanic & Atmospheric Admin.**
- 203-10 Auth. Acceptance of Computer Equip. from NYS Office of Temporary and Disability Assistance**
- 204-10 Amend. Res. 166-10 – Standard Workday & Reporting Resolution**
- 205-10 The Chaut. Co. Reinvestmt. Act: - Amending Res. 137-09 – Re: RPTL Article 11 Tax Foreclosure**
- 206-10 Adoption of Waterways Panel 2011 Occupancy Tax Recommendations**
- 207-10 Quit Claim Deeds**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

CHAUTAUQUA COUNTY LEGISLATURE

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RES. NO. 196-10

Confirm Re-Appointments – STOP DWI Advisory Board

By Legislator Richmond:

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the STOP-DWI Advisory Board:

Kenneth (Pete) James
4329 West Lake Road
Mayville, N.Y. 14757
Term Expires: 7/31/13

Frank J. Gould
70 Hoag Road
Ashville, N.Y. 14710
Term Expires: 12/31/11

Signed: Richmond

RES. NO. 197-10

Changing Place of the Chautauqua County Legislature's October, 2010 - Budget Meeting

By Administrative Services Committee:

At the Request of Chairman Fred C. Croscut:

WHEREAS, Section I, Rule (1)(C) provides that the Legislature meetings may be held at any suitable site within the County; therefore be it

RESOLVED, That the County Legislature's October, budget meeting, will be held at the Chautauqua Lake Central School, 100 N. Erie St., Mayville, N.Y. on Wednesday, October 27, 2010 at 6:30 p.m.

Signed: Barmore, Cornell, DeJoy, Scudder, Lemon

RES. NO. 198-10

Accept Grant from FAA to Acquire Snow Removal Equipment (Snow Plow Truck)

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, a Project to acquire snow removal equipment at the Jamestown Airport, is eligible for funding through FAA under Air Improvement Project No. 3-36-0048-39-10; and

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WHEREAS, Chautauqua County has a surplus in interest earnings in the 2010 budget;
and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment funding of the full local share of the costs of the Project; the funding share being:

Federal	\$296,400
State	\$7,800
Local	\$7,800
Total	\$312,000; therefore be it

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

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for FAA AIP Project No. 3-36-0048-39-10 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 the Director of Finance is authorized to make the following changes to the capital budget:

DECREASE APPROPRIATION ACCOUNT:

A.9950.9999.9	Interfund Transfers - Interfund Transfers	\$7,800
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ESTABLISH AND INCREASE CAPITAL APPROPRIATIONS ACCOUNT:

H.5610.25748.4	Contractual – Snow Removal Equip, Jamestown Airport	\$312,000
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INCREASE REVENUE ACCOUNT:

A.9950.9999.R240.1RSV	Use of Money & Property: Int & Earn: Capital Resvr	\$7,800
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25748.R459.2000	Federal Aid: Airport Federal Capital Grants	\$296,400
H.5610.25748.R359.7001	NYS Aid: Airport Capital Grants	7,800
H.5610.25748.R503.1000	Interfund Transfers: Interfund Transfer	<u>7,800</u>
		\$312,000

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

RES. NO. 199-10

Accept Grant from FAA for Land Acquisition for Existing R/W 6-24 at the Dunkirk Airport

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

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WHEREAS, the County Legislature, Airport Commission, NYSDOT and FAA have approved a project for the Chautauqua County Airport at Dunkirk for Land Acquisition for Runway 6-24 extension, AIP Project # 3-36-0022-42-10, and

WHEREAS, the NYSDOT has offered a matching grant to the Federal grant for 2.5% of the non-federal share of eligible costs; and

WHEREAS, the local share for the land acquisition is included in Chautauqua County's 2010 capital budget under account H.5610.25672.R503.1000, therefore be it

RESOLVED, That Chautauqua County hereby accepts the grant offer from the Federal Aviation Administration for financial assistance for AIP Project #3-36-0022-42-10 at the Chautauqua County Airport at Dunkirk; and be it

RESOLVED, That the County Executive is hereby authorized and empowered 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.

Signed: Babbage, Stewart, DeJoe, Barmore

RES. NO. 200-10

Authorize Funding for Future Abandonment of Proposed Gas Well at Chautauqua County Home

By Public Facilities, Human Services, and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Home proposes to drill a natural gas well on-site to offset energy costs; and

WHEREAS, the proposed well will generate an estimated 100,000 mcfg (or 100 million cubic feet) of recoverable reserves over a productive life of twenty to thirty years; and

WHEREAS, the proposed well will provide gas for the boiler to heat domestic water for laundry and kitchen use at the 216-bed facility; and

WHEREAS, the proposed well would result in approximately 50% cost savings for this utility to the County Home; and

WHEREAS, the proposed location of the well is 161' setback distance from the northern property line and therefore requires submittal of a variance because the current Medina setback is 660'; and

WHEREAS, a requirement of the variance documentation is an affirmation by the governing body, in this case Chautauqua County, that adequate funds will be available for performance of well plugging and reclamation at the time of abandonment; and

WHEREAS, these costs in 2010 dollars are estimated at \$6,000.00; and

WHEREAS, the capital account EH.4530.45831.4699.000 is anticipated to have sufficient remaining funds to cover the projected well closure costs; therefore be it

RESOLVED, That Chautauqua County herein guarantees to fund the well closure as required by the New York State Department of Environmental Conservation if and when the proposed gas well, identified as Chautauqua County Home #1, is permitted for drilling and the variance approved; and be it further

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RESOLVED, That a reserve account be established and funded for well closure costs as follows:

ESTABLISH AND INCREASE RESERVE ACCOUNT:

EH.684.WELL Liabilities – Post Closure Liability - Gas Well \$6,000

; and be it further

RESOLVED, That the Director of Finance is authorized to amend the capital budget as follows:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

EH.4530.45831.4 Contractual – Capital Project Expenses \$6,000

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

RES. NO. 201-10

Authorizing the Implementation, and Funding in the First Instance 100% of the Federal Aid and State "Marchiselli" Program Aid eligible Costs, of a Transportation Federal Aid Project, and Appropriating Funds therefore

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Replacement of the Webster Road Bridge over Canadaway Creek, BIN 3325400, in the Town of Pomfret, Chautauqua County, PIN 5758.41, (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 to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI), Right of Way Incidentals and Right of Way Acquisition phases of the project PIN 5758.41 with existing funding in account D.5112.390;

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

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

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

RESOLVED, That the sum of \$210,000 has been previously appropriated for the project's Preliminary Engineering (Design I-VI) and Right of Way Incidentals phases via County

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Resolution No. 270-07 adopted December 19, 2007 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, That in the event the amount required to pay in the first instance 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI), Right of Way Incidentals and Right of Way Acquisition phases exceeds \$ 254,000 the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and or State Marchiselli 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 and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

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

RESOLVED, This Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$ 41,800
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid: Surface Transportation Program	\$ 35,200
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D.5112.390.R358.9003	State Aid: Marchiselli Funds	<u>\$ 6,600</u>
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		\$ 41,800
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Signed: Babbage, Stewart, DeJoe, Barmore, Gould, Nazzaro, Gullo, Park, Richmond

RES. NO 202-10

Authorize Tower Lease Agreement with National Oceanic and Atmospheric Administration
(NOAA)

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has an existing agreement with the National Oceanic and Atmospheric Administration (NOAA) for the purposes of leasing tower space for equipment of the National Weather Service on the Oak Hill tower; and

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WHEREAS, the County Sheriff has continued to provide available space on the Oak Hill tower under a temporary lease agreement for uninterrupted use by the NOAA until a government study was completed; and

WHEREAS, the Sheriff has negotiated a lease requiring the monthly payment of \$853.54 for the term from January 1, 2009 to December 31, 2015 in order to replace the temporary lease; now; therefore be it

RESOLVED, That the County Executive is hereby authorized to extend the lease agreement with the NOAA for tower space as set forth above.

Signed: Gould, Nazzaro, Gullo, Park, Richmond

RES. NO. 203-10

Authorize Acceptance of Computer Equipment from New York State Office of Temporary and Disability Assistance

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, New York State Office of Temporary and Disability Assistance (OTDA) has given Chautauqua County Department of Social Services (CCDSS) the opportunity to receive computer equipment at no cost to the County; and

WHEREAS, OTDA will provide CCDSS with at least one kiosk unit consisting of a desktop personal computer, a printer, a security cable and toner cartridges; and

WHEREAS, this kiosk includes software that will allow individuals to access 'myBenefits' program to prescreen for potential eligibility, apply for Food Stamps and check the balance of their Electronic Benefit Transfer (EBT) account(s); and

WHEREAS, this equipment will remain on OTDA's inventory with a three-year service agreement; and

WHEREAS, the County must enter into a Memorandum of Understanding to accept this equipment; therefore be it

RESOLVED, That the County Executive is authorized to enter into agreements with NYS OTDA to accept and use this equipment.

Signed: Lemon, Gould, Ahlstrom

RES. NO. 204-10

Amend Res. No. 166-10 - Standard Workday and Reporting Resolution

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At the Request of Chairman Fred C. Croscut:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body, and be it further

RESOLVED, That the employee listed below be added to the record of activities and be submitted to the New York State and Local Employees' Retirement System.

<u>Title</u>	<u>Name</u>	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on Record of Activities)
<u>Appointed Official</u>					
Deputy Sheriff Lieutenant	JAMES CROWELL	8	1/1/2010 - 12/31/13	Y	23.96

Signed: Croscut

RES. NO 205-10

The Chautauqua County Reinvestment Act: Amending Resolution 137-09 Regarding RPTL Article 11 Tax Foreclosures

By Administrative Services Committee:

At the Request of Legislators Cornell, DeJoy, and Barmore:

WHEREAS, pursuant to Resolution 137-09, the County Legislature confirmed an amended County policy regarding the disposition of tax foreclosure properties and related procedures under Article 11, and

WHEREAS, it is appropriate that such policy be further amended regarding the transfer of tax foreclosure properties to encourage the sale of properties to quality owners, strengthen the County's housing market, and improve the county's tax base for the long-term future; therefore be it

RESOLVED, That the County Legislature hereby amends Resolution 137-09 regarding the disposition tax foreclosure properties with the following underlined amendments shown in Paragraph 5:

1. Deeds in Lieu of Foreclosure – RPTL § 1170.

In lieu of prosecuting a proceeding to foreclose a tax lien on any parcel of real property pursuant to Article 11 of the RPTL, the County Department of Finance, Division of Taxation (Tax Enforcement Officer), is authorized to accept a conveyance of the interest of any person

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having any right, title, interest, claim, lien or equity of redemption in or to such parcel, after a review of the title search has been conducted by the County Law Department.

2. Transfers of Tax Foreclosure Properties to Municipal Entities.

A. Circulation of List of Foreclosed Properties to Municipal Entities.

The Division of Taxation shall circulate Schedule A of the Application for Default Judgment which is the list of potential foreclosed parcels to towns, villages, and cities (and their local code enforcement officers), school districts, County sewer districts, and the County of Chautauqua Industrial Development Agency (CCIDA), immediately following the filing of a petition of foreclosure in the office of the County Clerk. Any other governmental entities and local development organizations will also upon request be provided with this list.

B. Transfers to Towns, Villages, Cities, School Districts, and Municipal Corporations.

Upon receipt of a written request from any entity described in paragraph 2A above received by the County after circulation of the list and on or before the last day for redemption pursuant to RPTL, subject to approval by the County Legislature, the County shall:

- (1) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of municipal use, provided that such a transfer is in the best interest of the County, upon payment by the municipal entity of applicable recording charges and all delinquent taxes and current year taxes levied on such parcels but not yet returned to the County for enforcement; and
- (2) transfer property acquired through tax foreclosure to the municipal corporations described in paragraph 2A above for the purpose of improvement or remediation for an amount based on the taxes the County previously paid to such entity when it guaranteed such taxes, provided that such a transfer is in the best interest of the County. In the event the municipal entity should resell such property, then the proceeds of such sale shall be applied first to reimburse the municipal entity for the reasonable costs of improvements or reasonable demolition costs. The remaining proceeds shall be split between the County and the municipality based on the proportionate share of outstanding delinquent taxes existing at the time of the County's transfer to the municipal entity.

C. Transfers to CCIDA and Local Development Organizations..

Upon receipt of a request from the CCIDA or a Local Development Organization received by the County on or before the last day for redemption pursuant to RPTL, the County shall transfer property acquired through tax foreclosure to the CCIDA or a local development organization, subject to terms and conditions approved by the County Legislature.

3. Transfers of Tax Foreclosure Properties to Foreclosed Owners and Mortgagees.

If no timely request is received from an entity described in paragraph 2A above, the Division of Taxation shall notify the foreclosed owner and mortgagees of record by first class mail at their last known address that the County would consider their offer to reacquire the property for the amount of all delinquent taxes, interest, penalties and associated charges outstanding on the property. Any such offers with the full amount owing must be received by the County on or before the day before the County's auction of foreclosed properties, and the foreclosed owner shall have priority over mortgagees. Where more than one mortgagee makes an offer, priority shall be given on a first-come, first-serve basis as between competing mortgagees. Offers from foreclosed owners and mortgagees of residential properties other than

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owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer. Acceptance of offers shall be subject to approval of the County Legislature. The County Executive is hereby authorized to deed such properties to foreclosed owners and mortgagees that reacquire property pursuant to the parameters set forth in this paragraph.

4. Transfers of Tax Foreclosure Properties by Tax Payment Agreements with Foreclosed Owners.

Notwithstanding the requirement set forth in Paragraph 3 above that the full amount owing must accompany offers made to the County by foreclosed owners, the Division of Taxation is hereby authorized on or before the day before the County's auction of foreclosed properties to enter into tax payment agreements with foreclosed owners of owner-occupied residential property, for a payment term not to exceed one (1) year. These agreements will allow the foreclosed owner of a tax foreclosure property to pay up to twelve (12) equal monthly payments of the outstanding delinquent taxes, interest, penalties, and associated charges. Upon final payment pursuant to said agreements, the County shall deed the property in question back to the foreclosed owner. Should the foreclosed owner default on the agreement entered into as authorized by this resolution, the agreement shall be automatically terminated, and the property may be sold at public auction. For the purposes of this resolution, "default" shall mean no payment is made pursuant to the agreement within fifteen (15) days subsequent to the agreed-upon date of payment. Offers from foreclosed owners of residential properties other than owner-occupied one family, two family, and three family residential properties must be accompanied by either: (1) a letter from the local code compliance officer that such code compliance officer has made an inspection of the property and that there are no pending code violations, or (2) a plan to bring the premises into compliance approved by the local code compliance officer. Acceptance of offers shall be subject to approval of the County Legislature.

5. Transfer of Tax Foreclosure Properties by Public Auction.

If no request is received from an entity described in paragraph 2A above, or from a foreclosed owner or mortgagee, the tax enforcement officer shall sell foreclosed properties at public auction, subject to approval of the County Legislature. The public auction shall be held on at least an annual basis on or about the second Friday and Saturday in May. Should a foreclosed owner, mortgagee, or other party with a prior interest in the property bid at the auction, their bid shall be required to be no less than the amount of all delinquent taxes, interest, penalties, and associated charges outstanding on the property. Except for any such foreclosed owners, mortgagees, or other parties with a prior interest bidding on a property in which they have a prior interest, no bidder who is the owner of tax delinquent property within the County of Chautauqua at the time of the auction shall be permitted to submit a bid at the auction. Any high bidders at the public auction that fail to make a down payment, shall be disqualified from bidding at County tax foreclosure auctions for a period of two (2) years. For purposes of this paragraph, "tax delinquent property" shall mean property with unpaid taxes or re-levied taxes that are unpaid as of June 1st after the previous County tax levy, and remain unpaid at the time of the auction.

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On a three-year pilot basis commencing with the County's 2011 tax foreclosure auction, the City of Jamestown tax foreclosure properties categorized as "4" (implying 'marginal'), "5" (implying 'distressed'), or "6" (implying 'Poor') as set forth in the 2010 Jamestown Housing Revitalization Plan shall be listed in all auction publications, websites, and all other advertising as follows: "According to a 2010 professional housing analysis, this property needs significant repair to be habitable. This property is in severe distress." The purchase of such distressed properties categorized as a "5" or "6" shall require that \$5000 be deposited in a non interest-bearing escrow account to be returned upon the property owner's receipt of a Certificate of Occupancy or proof of demolition and clean-up. If the property owner fails to obtain the Certificate of Occupancy or Demolition after one year from the date of purchase, the amount in escrow will be forfeited and transferred to the county's demolition fund, and the County shall in its discretion be entitled to reacquire the property. Other municipalities in the County may also participate in the three-year pilot program pursuant to the parameters set forth above by advising the County at least two months prior to the tax foreclosure auction of properties that the municipality has categorized as "distressed," "highly distressed," or "most distressed," or such other similar classification format.

It is the further intent and direction of the County Legislature to: (1) explore revenue sources for the annual demolition of as many highly distressed properties as possible; (2) encourage the OFA to assess the feasibility of a senior volunteer program under the OFA's existent programming to help support the systematic cataloging and review of select county neighborhoods.

6. Application of Policy.

A. This resolution shall not be interpreted or construed:

(1) as affecting the authority of the County Legislature to impose by resolution special requirements, restrictions, terms, or conditions applicable to a particular tax parcel, or to otherwise determine in its sole discretion whether or not, or to whom, to sell a particular tax parcel; or

(2) as conferring any rights whatsoever on prospective purchasers and transferees of tax foreclosure properties, including foreclosed owners, mortgagees, and other parties with a prior interest in the properties; or

(3) as affecting the authority of the County's tax enforcement officer to withdraw property from the tax foreclosure proceeding if warranted pursuant to RPTL § 1138.

B. The County, at its option and in its sole discretion, may cancel any sale or transfer of tax foreclosure properties at any time before the actual delivery of the deed, and the Division of Taxation shall advise all prospective purchasers and transferees that conveyances are not final until delivery of the deed has occurred, provided, however, that the failure to notify a prospective purchaser or transferee of the County's right to cancel shall not in any way abrogate the County's right to cancel.

C. The County's tax enforcement officer is hereby authorized to develop procedures and/or rules and regulations to implement the policies of this resolution.

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RES. NO. 206-10

Adoption of Waterways Panel 2011 Occupancy Tax Recommendations

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Legislature established by Resolution 174-08 a means to distribute the Occupancy Tax derived from such tax over three-fifths (2% tax), which by law is to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, Resolution 174-08 provided that 15% of the 2% tax generated shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator," and further assigned lump sums to the four lake associations for maintenance of the waterways through harvesting of aquatic vegetation; and

WHEREAS, Resolution 174-08 provided that the use of the remainder of the 2% tax would be evaluated by a seven (7) member Waterways Panel made up of representatives from the Chautauqua County Water Quality Task Force (WQTF), and said panel would prioritize all lake and stream protection and enhancement projects and submit its recommendations and findings to the Planning and Economic Development Committee for consideration; and

WHEREAS, the seven (7) member Waterways Panel has carefully reviewed and prioritized requests for Occupancy Tax funding in 2011 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Waterways Panel recommendations set forth below that are ranked numbers 1, 2, 4, 5, 7, 9, 12, 15, and 16 are Type II actions requiring no further review pursuant to the New York State Environmental Quality Review Act (SEQR), and said projects are hereby awarded the amounts set forth below out of the 2% tax in the 2011 County Budget; and be it further

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQR review of the remainder of the projects recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

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Organization/Agency	Rank	Amount Requested	Amount Recommended
Chautauqua County Soil & Water Conservation District	1	\$ 20,000	\$ 20,000
Lighthouse Point Association, Inc	2	\$ 12,227	\$ 12,227
Chautauqua County Soil & Water Conservation District	3	\$ 40,000	\$ 40,000
Chautauqua County Soil & Water Conservation District	4	\$ 6,700	\$ 6,700
Chautauqua County Soil & Water Conservation District	5	\$ 8,100	\$ 8,100
Chautauqua County Soil & Water Conservation District	6	\$ 22,167	\$ 22,167
Chautauqua County Soil & Water Conservation District	7	\$ 20,000	\$ 20,000
Cassadaga Country Club	8	\$ 16,300	\$ 16,300
Chautauqua County Soil & Water Conservation District	9	\$ 25,000	\$ 25,000
Village of Westfield	10	\$ 15,020	\$ 15,020
Chautauqua County Agricultural & Fair Association	11	\$ 19,150	\$ 19,150
Chautauqua County Soil & Water Conservation District	12	\$ 7,900	\$ 7,900
Chautauqua Rails to Trails, Inc	13	\$ 25,000	\$ 25,000
Village of Fredonia	14	\$ 39,905	\$ 39,905
Town of North Harmony	15	\$ 40,000	\$ 40,000
Bear Lake Property Owners Association, Inc	16	\$ 4,000	\$ 4,000
Village of Silver Creek	17	\$ 40,000	\$ 40,000
Villas of Point Chautauqua	18	\$ 40,000	\$ 23,531
Town of Westfield Highway Department	19	\$ 40,000	
Chautauqua County Department of Public Facilities	20	\$ 40,000	
Angelo Terrano	21	\$ 5,000	
Town of Busti	22	\$ 38,625	Ineligible, to be completed in 2010
TOTAL		\$ 525,094	\$ 385,000

Signed: Gould, Nazzaro, Gullo, Park, Richmond

RES. NO. 207-10
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 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; therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

09/22/2010

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		Property		Offer	Taxes	
Number	Municp.	Parcel ID	Location	Purchaser	Amount	Owing
QC 12-2009	C/Dnk.	060300-79.11-7-1	102 Main St.	City of Dunkirk	\$502.89	\$502.89
QC 380-2010	Stockton	066889-250.00-1-9	Rt 60 Rear	Michael D Kidd and Life Use to Audrey E Kidd	\$7.34	\$7.34

Signed: Barmore, Cornell, DeJoy, Scudder, Lemon