

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

Chautauqua County Legislature

6:30 P.M.

CALL TO ORDER
ROLL CALL
PRAYER BY LEGISLATOR NAZZARO
PLEDGE OF ALLEGIANCE
APPROVAL OF THE MINUTES FOR 11/17/10
PRIVILEGE OF THE FLOOR

PRESENTATION: COUNTY'S BI-CENTENNIAL CELEBRATION
BY MICHELLE HENRY

COMMUNICATIONS:

1. Letters (5) – County Exec. – Appts. To Community Servs. Bd., Bd. Of Health, Enviro. Mangmt. Council, Planning Bd., Traffic Safety Board
 2. Letter – Coroner Sixby – Request Re-Apptmt.
 3. Letter – Chaut. Co. Enviro. Mangmt. Council – Re: Funding Watershed Coordinator's position under the auspice of the Soil & Water Consv. Dist.
 4. Minutes – Chaut. Co. Soil & Water Consvs. Dist. – Nov. 2010
 5. Letter – NYS Ag. & Markets – Re: Ack. Receipt of Documents-Ag. Dist. 1
 6. Letter – NYS Ag. & Markets – Re: Ack. Receipt of Documents-Ag. Dist. 12
 7. Letter – Chmn. Kimball – Ag. & Fmland. Protection Bd. – Re: Review of Ag. Dist. 2
 8. NYS Fish & Wildlife Monthly Highlights – 9/15-10/15/2010
-

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 11/17/10

ACTION ON:

LOCAL LAWS:

LL INTRO. 9-10 (PRINT 2): AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

LL INTRO. 10-10: AMEND HEALTH INSURANCE BENEFITS FOR CHAUTAUQUA COUNTY CORONERS

LL INTRO. 11-10: A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER RE: SIZE OF COUNTY LEGISLATURE

RESOLUTIONS:

243-10 Confirm Re-Appts. – Chaut. Co. Traffic Safety Board

244-10 Confirm Re-Appts. – Chaut. Co. Planning Board

245-10 Confirm Re-Appts – Chaut. Co. Environmental Management Council

246-10 Confirm Re-Appts. – Chaut. Co. Coroners

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

- 247-10 Confirm Re-Apppt. – Chaut. Co. Health Board**
- 248-10 Confirm Re-Apppt. – Community Services Board**
- 249-10 Auth. Acceptance of Pump Station Transfer from CCIDA**
- 250-10 Auth. Standardization of Internal Combustion Engine Generators – Landfill**
- 251-10 Adjust Accounts for the Replacement of Equipment**
- 252-10 Accept NYS Local Govt. Records Managmt. Funds – Create Electronic Library Catalog Records for County Archives**
- 253-10 Changes to Legislature Budget Process & Meeting Schedule**
- 254-10 Auth. Agrmt. w/ BOCES LoGuidice & Hewes - School Resource Officers**
- 255-10 Auth. Agrmt. w/ NYS for Local Enhanced Wireless 911 Grant Program**
- 256-10 Auth. Agrmt. w/ Fredonia Fire Dept. for Breathing Air Compressor**
- 257-10 Auth. Acceptance of Rockefeller Drug Law Reform & Byrne/JAG Grants**
- 258-10 Auth. Agrmt. w/ Town of Ripley for Enhanced Police Services**
- 259-10 Auth. Agrmt. w/ Town of Dunkirk for Enhanced Police Services**
- 260-10 Adjust 2010 Budget in Support of Dept. of Justice – Violence Against Women Grant Award**
- 261-10 Auth. Contracts w/ NYS for Child Care Inspection & Registration Services**
- 262-10 Approve Lease for Part-time Health Dept. Clinic Site in Jamestown**
- 263-10 Auth. the Issuance of \$1,403,465 Qualified Energy Conservation Bonds of County of Chaut., NY, to Pay the Cost of the Construction of the Expansion of the Gas to Energy Project at the County Landfill, in and for Said County**
- 264-10 Resolution of the County Legislature of the County of Chaut., providing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear consisting less than \$55 per item, pursuant to the authority of Article 29 of the Tax Law of the State of New York**

MEMORIAL

CHESTER TARNOWSKI BY ROBERT DUFF

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR



**Wishing all of you a Merry Christmas and a Healthy and Happy New Year
Fred, Jim, Lori, Mark, Becky**

ORGANIZATIONAL MEETING – JANUARY 3, 2011 – 4:00 P.M.

CHAUTAUQUA COUNTY LEGISLATURE
12/15/10

LOCAL LAW
INTRODUCTORY NO. 9-10
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

1. Legislative History. The Chautauqua County Code of Ethics, as enacted by Local Law 3-90, and as amended by Local Law 5-91, Local Law 16-91, Local Law 3-93, Local Law 10-93, Local Law 7-94, Local Law 15-95, Local Law 7-98, Local Law 5-02 and Local Law 6-07, is hereby further amended.

2. Amendments. Section 8, Subsection 1 of local Law 3-90 is hereby amended by substitution to read as follows:

1. The following public officials are subject to disclosure requirements:

Administrative Assistant
Administrator, Chautauqua County Home
Assistant Construction & Maintenance Supervisor
Assistant County Attorney
Assistant District Attorney
Assistant Public Defender
Assistant Social Services Attorney
Associate Public Health Engineer
Board of Health Members
Budget Director
Chief Information Officer
Chief Information Officer and Deputy County Executive
Child Psychiatrist
Clerk of the Legislature
Commissioner of Elections
Commissioner of Health Services
Commissioner of Social Services
Construction & Maintenance Supervisor
Coroner
County Attorney
County Clerk
County Executive
County Fire Coordinator
County Historian
Deputy Clerk of the Legislature
Deputy Commissioner of Social Services
Deputy County Clerk

Deputy County Executive
Deputy Director of Central Services (Office Services)
Deputy Director of Central Services (Purchasing)
Deputy Director of Finance (Treasury)
Deputy Director of Planning
Deputy Director of Public Facilities (Engineering)
Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)
Deputy Director of Public Facilities (Transportation)
Deputy Sheriff Captain
Deputy Sheriff/Jail Supervisor
Director of Administrative Services
Director of Certification
Director of Community Mental Hygiene Services
Director of Economic Development
Director of Emergency Management and Civil Defense
Director of Emergency Services
Director of Environmental Health Services
Director of Finance
Director of Health Services
Director of Human Resources
Director of Information Services
Director of Intermunicipal Services
Director of North Chautauqua Lake Sewer District
Director of Nursing Services
Director of Office for the Aging
Director of Office of Management and Budget
Director of Patient Services
Director of Planning
Director of Portland-Pomfret-Dunkirk Sewer District
Director of Public Facilities
Director of Real Property Tax Services III
Director of Social Services
Director of South & Center Chautauqua Lake Sewer Districts
Director of Veterans Service Agency
District Attorney
Engineer III
Executive Assistant
Financial Analyst to Legislature
Fire Coordinator
First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
First Assistant Social Services Attorney
First Deputy Director of Finance
Food Service Director

Health Administrator
Insurance Administrator
Legal Counsel to the Legislature
Legislator
Manager of Airports
Members of the Chautauqua County Soil and Water Conservation District
Mental Hygiene Program Coordinator
Personnel Technician
Physician
Planning Board Members
Probation Director II
Probation Supervisor
Public Defender
Public Health Director
Sanitation Supervisor
Sealer of Weights and Measures
Second Assistant County Attorney
Second Assistant District Attorney
Second Assistant Public Defender
Senior Personnel Technician
Senior Personnel Technician/Deputy Director of Human Resources
Senior Project Coordinator (Transportation)
Sheriff
Social Services Attorney
Special Assistant for Medicaid
Special Projects Coordinator
Supervising Clinical Psychologist
Undersheriff
Warden

All other officers or employees who are authorized to approve vouchers, purchase orders, contracts and payroll such as purchasing clerks and purchasing agents.

3. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Laid on Desks: 10/27/10

Amended in Legislature: 11/17/10

LOCAL LAW
INTRODUCTORY NO. 10-10
CHAUTAUQUA COUNTY

AMEND HEALTH INSURANCE BENEFITS
FOR CHAUTAUQUA COUNTY CORONERS

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York,
as follows:

1. Amend Health Insurance Benefits for Coroners to Include Only Single Coverage.

Effective January 1, 2011, Coroners will be eligible for single coverage only in health insurance plans available to County managers.

2. Health Insurance Opt-Out Payments and Retirement Health Insurance Benefits.

Effective January 1, 2011, Coroners shall remain eligible for any opt-out payment alternative available to County managers, but retirement health insurance benefits for Coroners are hereby eliminated. Current or former Coroners who have earned retirement health insurance benefits under the current or prior management benefit plans shall remain entitled to receive such benefits in the manner available to County managers. No additional months of retirement health insurance coverage may be earned after December 31, 2010.

3. Participation in Managerial Health Insurance Plans by Coroners.

Notwithstanding the amended policy of health insurance benefits for Coroners pursuant to this Local Law, Coroners shall be entitled at their option to participate in other health insurance programs generally available to County managers, but shall be required to pay the full premium amount as determined by the Director of Finance for the applicable health insurance plan chosen by the Coroner.

4. Effective Date. This Local Law shall take effect upon filing with the Secretary of State.

Laid on Desks: 11/17/10

Adopted by Legislature:

**LOCAL LAW
INTRODUCTORY NUMBER 11-10
CHAUTAUQUA COUNTY**

**A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
RE: SIZE OF COUNTY LEGISLATURE**

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York, as follows:

Section I. Amendment to County Charter.

Section 2.00 of the Chautauqua County Charter governing the form and composition of the County Legislature is hereby amended as follows:

Section 2.00 County Legislature

The legislative powers of the County shall be vested in an elective body which shall be known as the County Legislature, comprised of members elected as the County Legislature may determine. Commencing after the next regular federal census in 2010, all plans of apportionment of the County Legislature thereafter adopted shall provide for a County Legislature consisting of no greater than fifteen (15) members, and shall be enacted pursuant to the grant of authority set forth in Section 10 of the New York State Municipal Home Rule Law.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event of either (i) a permissive referendum is held in accordance with Municipal Home Rule Law, or (ii) the County Legislature on its own motion, in the manner provided in the Municipal Home Rule Law, shall provide that this Local Law shall be submitted to the qualified electors of the County for their approval.

Mailed: 12/3/10

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 243-10

Confirm Re-Appointments – Chautauqua County Traffic Safety Board

By Public Safety Committee:

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 reappointments to the Chautauqua County Traffic Safety Board.

John Bentley II
20 W. Summit St.
Lakewood, N.Y. 14750
Term Expires: 12/31/13

Patrick Wheeler
387 Lakeshore Drive W.
Dunkirk, N.Y. 14048
Term Expires: 12/31/13

Signed: Richmond, Runkle, Duff, Mueller, Himelein

RES. NO. 244-10

Confirm Re-Appointments – Chautauqua County Planning Board

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following reappointments to the Chautauqua County Planning Board:

Michael Rodgers
42 Shepardson Drive
PO Box 466
Bemus Point, N.Y. 14712
Term Expires: 12/31/12

John Penhollow
5575 Fenner Road
Sinclairville, N.Y. 14782
Term Expires: 12/31/12

Signed: Park

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 245-10

Confirm Re-Appointments – Chautauqua County Environmental Management Council

By Planning & Economic Development Committee:

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 Chautauqua County Environmental Management Council:

Douglas Conroe
179 Whiteside Parkway
PO Box 137
Maple Springs, N.Y. 14756
Term Expires: 12/31/13
Signed: Park

John Jablonski III
213 Spruce Street
Lakewood, N.Y. 14750
Term Expires: 12/31/13

Ruth Lundin
722 Big Tree Road
Jamestown, N.Y. 14701
Term Expires: 12/31/13

RES. NO. 246-10

Confirm Re-Appointments – Chautauqua County Coroners

By Human Services Committee:

At the Request of Chairman Fred C. Croscut:

WHEREAS, two of the four offices of Coroner in Chautauqua become vacant on January 1, 2011; and

WHEREAS, the County Charter has vested in the County Legislature the power to appoint Coroners henceforth as the offices become vacant, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby reappoint the following persons as Chautauqua County Coroners for three year terms to expire December 31, 2012.

Mr. John Sixbey
645 Lakeview Ave.
Jamestown, NY 14701

Mr. Richard M. Mackowiak, Jr.
56 E. Doughty Street
Dunkirk, NY 14048

Signed: Lemon

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 247-10

Confirm Re-Appointment - Chautauqua County Health Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive Gregory J. Edwards, 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 Health Board.

Marcia Merrins
42 Rosalyn Court
Fredonia, N.Y. 14063
Term Expires: 12/31/16

Signed: Lemon

RES. NO. 248-10

Confirm Re-Appointment – Community Services Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

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 Community Service Board:

Marie Carrubba
19 Widrig Avenue
Jamestown, N.Y. 14701
Term Expires: 1/1/15

Signed: Lemon

RES. NO. 249-10

Authorize Acceptance of Pump Station Transfer from Chautauqua County Industrial Development Agency

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Industrial Development Agency (IDA) currently owns a pump station in the Chadwick Bay Industrial Park which is connected to the North County Industrial Water District No. 1 (District), and

WHEREAS, the IDA desires to transfer this station to the County for the use and purposes of the District, and

WHEREAS, the board of the District has reviewed the proposed transfer and has raised no objection to the transfer, now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all documents necessary to accept the transfer of the pump station located in the Chadwick Bay Industrial Park for the use and purposes of the North County Industrial Water District No. 1.

Signed: Babbage, Barmore, Stewart

RES. NO. 250-10

Authorizing Standardization of Internal Combustion Engine Generators at the Chautauqua County Landfill Gas to Energy Plant

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Landfill Gas to Energy Plant currently employs four internal combustion engine generators (engines) in the operation of the plant, and

WHEREAS, the County intends to add two more engines in 2011, and

WHEREAS, due to the substantial number of parts used by the Landfill Gas to Energy Plant to maintain the engines, uniformity of the make of engine is essential for efficient operation of the Landfill Gas to Energy Plant, and

WHEREAS, standardizing the make of engines will assist the Landfill Gas to Energy Plant in containing costs by eliminating the need to stock parts for several makes of engines, now therefore be it

RESOLVED, That the Legislature of the County of Chautauqua finds that standardization of internal combustion engine generators at the Chautauqua County Landfill Gas to Energy Plant is in the best interest of the County, and be it further

RESOLVED, That internal combustion engine generators for the Landfill Gas to Energy Plant shall be standardized to internal combustion engine generators manufactured by Caterpillar and exclusively marketed by Milton Cat, 4610 E. Saile Drive, Batavia, NY.

Signed: Babbage, Barmore, Stewart

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 251-10

Adjust Accounts for the Replacement of Equipment

By Public Facilities and Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, as a result of low trade-in offers received from various vendors DPF placed additional vehicles and equipment into the surplus auctions, and

WHEREAS, additional funds have been realized from the sale of this equipment at auction; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

DM.9950.----.9 Inter-fund Transfers – Transfer to Capital \$29,632

INCREASE REVENUE ACCOUNT:

DM.5130.R266.5000 Sale of Property/Compensation - Road Machinery \$29,632

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4 Contractual-DPF Large Equipment \$29,632

INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000 Inter-fund Transfer-DPF Large Equipment \$29,632

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

RES. NO. 252-10

Accept New York State Local Government Records Management Improvement Fund (LFRMIF)
Funds to Create Electronic Library Catalog Records for County Archives

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Clerk has successfully applied through New York State for grant funds through the Local Government Records Management Improvement Fund (LGRMIF) for the creation of electronic library catalog records for County archives in the amount of \$9,643.00; and

WHEREAS, the County Clerk will use the grant proceeds to contract with a librarian to create the electronic records and submit them to the State Archives for uploading to an international online catalog; and

WHEREAS, it is appropriate to accept these grant funds to allow researchers to locate County records through library search engines increasing the likelihood of retrieving relevant documents; therefore be it

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RESOLVED, That the County Executive is hereby authorized and empowered to execute all necessary agreements with New York State for the LGRMIF grant in the amount of \$9,643.00, and be it further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1410.569.4	Contractual – Archival Records Mgt System	\$9,643
--------------	---	---------

INCREASE CAPITAL REVENUE ACCOUNT:

H.1410.569.R306.0000	State Aid: Records Management Improvement	\$9,643
----------------------	---	---------

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

RES. NO. 253-10

Changes to Legislature Budget Process & Meeting Schedule

By Administrative Services Committee:

At the Request of Legislators Ahlstrom and Kindberg:

WHEREAS, the current budget structure provides inadequate time to fully consider all department operations, revenues, and expenses; and

WHEREAS, Chautauqua County passed a 2011 budget that includes a 9% property tax increase; and

WHEREAS, the 2011 budget includes significant monies from the county's reserve thus creating a structural deficit; and

WHEREAS, the legislature recognizes that the 2012 budget will face significant challenges; therefore be it

RESOLVED, That the Chautauqua County Legislature directs the Chairman to commence 2012 budget hearings on January 1, 2011 in the manner described below:

1. Each of the legislature's standing committees will conduct a budget review meeting during the months of February, May, and August. This special meeting will be in addition to the committees' regular meetings and will be held in order to review department operations, revenues, and expenses.
2. The full legislature will convene special meetings during the months of February, May, and August to consider budgetary and operational changes to county government. These meetings will take place following the special committee meetings and will occur in addition to the legislature's regularly scheduled meetings.

Signed: Ahlstrom, Kindberg, DeJoy, Lemon (A.S. Barmore and Scudder voting "no")

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 254-10

Authorize Agreement with BOCES LoGuidice and BOCES Hewes Centers for School Resource Officers

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of BOCES LoGuidice and BOCES Hewes Centers and determined that these schools and the County would benefit by the continuation of the School Resource Officers program; and

WHEREAS, BOCES LoGuidice and BOCES Hewes have agreed to compensate the County of Chautauqua for the cost of providing two Deputy Sheriffs for the period of September 7, 2010 through September 6, 2011 for a deputy at each facility at a total sum not to exceed \$176,112; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; now therefore be it

RESOLVED, That the County Executive Gregory J. Edward be hereby authorized and empowered to execute an agreement with BOCES LoGuidice and BOCES Hewes for the School Resource Officer program.

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

RES. NO. 255-10

Authorize Agreement with State of New York for Local Enhanced Wireless 911 Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Article 6-A of the County Law of the State of New York, it has been determined that Chautauqua County is eligible to apply for and receive reimbursement of certain costs associated with the provision of wireless 911 service during the period of April 1, 2010 – March 31, 2013; and

WHEREAS, the preliminary allocation amounts have been established for all eligible political subdivisions for the 2010-2011 State Budget and the County is designated to receive \$72,167.00 for such period; and

WHEREAS, the State of New York Department of State through its Bureau of Fiscal Management requires that the County enter into an Agreement with the State of New York to comply with the funding guidelines: now therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute appropriate agreements with the New York State Department of State to comply with the grant guidelines and accept the sum of \$72,167.00 from the 2010-2011 State Budget for reimbursement of eligible wireless 911 service costs incurred between April 1, 2010 through March 31, 2013.

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

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

RES. NO. 256-10

Authorize Agreement with the Fredonia Fire Department for Breathing Air Compressor

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County Emergency Services owns a Breathing Air Compressor used to support "Mobile Breathing Air" for county fire departments and special response teams which is housed at the Fredonia Fire Department and is in need of replacement; and

WHEREAS, bids have been obtained for the replacement compressor with a low bid of \$51,125.00; and

WHEREAS, the Fredonia Fire Department has been awarded an Assistance to Firefighters Grant (FEMA) to purchase a Breathing Air Compressor in the amount of \$39,500.00 less the local matching share of \$1,975.00; and

WHEREAS, Fredonia Fire Department will, as a term of the grant, own the Compressor; and

WHEREAS, Chautauqua County Emergency Services is desirous of entering into an agreement with Fredonia Fire Department for operation and maintenance of the Compressor; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute an agreement with the following terms and conditions:

1. Fredonia Fire Department will contribute a minimum of \$37,525.00 toward the purchase of the compressor and Chautauqua County will contribute a maximum of \$13,600.00,
2. Chautauqua County will continue to provide the maintenance and air quality testing while Fredonia Fire Department will continue to provide the electric power and operation of said compressor for county fire departments and special response teams.

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

RES. NO. 257-10

Authorize Acceptance of Rockefeller Drug Law Reform and Byrne/JAG American Recovery and Reinvestment Act Grants

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Governor David A. Patterson signed the Rockefeller Drug Law Reform (DLR) legislation into law on April, 7, 2009 helping drug dependent offenders obtain drug treatment in residential and community-based settings and structured community supervision to assist them in leading law abiding lives; and

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

WHEREAS, the Chautauqua County Office of Probation is eligible to receive \$71,238 in state funds based on an observed increase of 22 drug law reform cases handled by Chautauqua County, diverting these cases from state prison during the last federal fiscal year; and

WHEREAS, the Division of Criminal Justice Services (DCJS) has committed funding to support jurisdictions that have experienced measurable increases and the term of this grant is from July 1, 2011 to June 30, 2012; and

WHEREAS, American Recovery and Reinvestment Act (ARRA) funding is available for the first 6 months at \$35,619 (January 1, 2011 to June 30, 2011) and then the grant will be supported by the State General Fund thereafter for the aforementioned annual award; and

WHEREAS, the position would work collaboratively and be dedicated to the two Drug Courts in Chautauqua County (Jamestown & Dunkirk) providing increased surveillance oriented supervision (increased drug testing & home visits) to probation supervision and judicial diversion cases that are under the supervision of Drug Court; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute any and all agreements necessary to accept the Rockefeller Drug Law Reform grant and the Byrne/JAG American Recovery and Reinvestment Act grant, and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2011 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services – Probation	\$55,751
A.3140.----.8	Employee Benefits – Probation	<u>\$15,487</u>
		\$71,238

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.3140.----.R331.0DLR	State Aid: Drug Law Reform Grant	\$35,619
A.3140.----.R431.0BJA	Federal Aid: Byrne/JAG ARRA Grant	<u>\$35,619</u>
		\$71,238

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

RES. NO. 258-10

Authorize Agreement with Town of Ripley for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Ripley has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2011 calendar year; and

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2011 through December 31, 2011 for an estimated cost not to exceed \$30,000.00 based upon an hourly rate of \$27.64; therefore be

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

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

RES. NO. 259-10

Authorize Agreement with Town of Dunkirk for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Dunkirk is requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2011 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Dunkirk from the period of January 1, 2011 through December 31, 2011 for an amount not to exceed \$10,000 at the hourly rate of \$27.64; therefore be

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

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

RES. NO. 260-10

Adjust 2010 Budget in Support of the Department of Justice Office on Violence Against Women Grant Award

By Human Services & Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County Department of Social Services (CCDSS) has been awarded \$394,800.00 in grant funds through the Office on Violence Against Women for The Safe Havens: Supervised Visitation and Safe Exchange Grant Program; and

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

WHEREAS, the award is authorized for a three-year pilot program in collaboration with the Salvation Army Anew Center, the Center for Family Unity and the 8th Judicial Circuit Court; and

WHEREAS, this funding will support supervised visitation and safe exchange options for families with a history of domestic violence, child abuse, sexual assault and stalking; and

WHEREAS, the 2011 county budget must be adjusted to accommodate these funds; therefore be it

RESOLVED That the Director of Finance be and hereby is authorized and directed to make the following 2011 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.6010.SHVN.1	Personal Services – Safe Havens	\$ 8,823.00
A.6010. SHVN.4	Contractual – Safe Havens	\$110,852.00
A.6010. SHVN.8	Employee Benefits - Safe Havens	<u>\$ 4,716.00</u>
		<u>\$124,391.00</u>

INCREASE REVENUE ACCOUNT:

A.6010.SHVN.R.461.0000	Federal Aid –Social Services Admin	<u>\$124,391.00</u>
------------------------	------------------------------------	---------------------

Signed: Lemon, Gould, Nazzaro, Park, Richmond

RES. NO. 261-10

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

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

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, 2011, within the limits of funds available for such purposes.

Signed: Lemon

RES. NO. 262-10

Approve Lease for Part-time Health Department Clinic Site in Jamestown

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards

WHEREAS, the Chautauqua County Health Department desires to establish a part-time clinic at the same location as the WIC Program; and

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

WHEREAS, Chautauqua County IDA has an available space for rent at 200 Harrison Street, Jamestown; and

RESOLVED, That the County Executive is authorized to enter into a lease with IDA for office space on substantially the following terms:

1. Premises: Approximately 336 square feet of space,
2. Rent: \$287 per month (\$10.25/sq ft)
3. Term: January 1, 2011 – December 31, 2011 with option to renew for additional two year period
4. Utilities: Heat, air conditioning, water/sewer charges, and electricity included
5. Other: As negotiated by the County Executive.

Signed: Lemon

RES. NO. 263-10

A Resolution Authorizing the Issuance of \$1,403,465 Qualified Energy Conservation Bonds of the County of Chautauqua, New York, to Pay the Cost of the Construction of the Expansion of the Gas to Energy Project at the County Landfill, in and for Said County

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project, Therefore be it;

RESOLVED, That the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The expansion of the landfill gas to energy project at the County landfill, in and for the County of Chautauqua, New York, including the addition of two additional generators for an added capacity of 3.2 Megawatt, gas scrubbing system, heat recovery plant, inter connection lines, land or rights-in-land, furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$3,500,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,403,465 Qualified Energy Conservation Bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law, \$1,903,000 grant funds from the United States Department of Energy, and \$193,535 of existing capital appropriations from the initial construction of the 6.4 Megawatt gas to electric plant.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 5 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

CHAUTAUQUA COUNTY LEGISLATURE

12/15/10

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.
Signed: Babbage, Stewart, Barmore, Gould, Nazzaro, Park, Richmond

RES. NO. 264-10

Resolution of the County Legislature of the County of Chautauqua, providing an exemption from sales and compensating use taxes for receipts from retail sales of, and consideration given or contracted to be given for, certain clothing and footwear costing less than \$55 per item, pursuant to the authority of Article 29 of the Tax Law of the State of New York

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

Be it enacted by the County Legislature of the County of Chautauqua, as follows:

SECTION 1. Subdivision (a) of section six of Resolution No.86 of 1968, as amended, is amended by adding a new paragraph 14 to read as follows:

14. Notwithstanding any other provision of law, clothing and footwear described in subparagraph (i) of paragraph (30) of subdivision (a) of section 1115 of the New York Tax Law.

SECTION 2. This resolution shall take effect April 1, 2011, and shall apply in accordance with applicable transitional provisions of the New York Tax Law, provided that SECTION 1 of this resolution shall expire April 1, 2012, and be deemed repealed.

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