

CHAUTAUQUA COUNTY LEGISLATURE

01/26/11

# Chautauqua County Legislature

6:30 P.M.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR RICHMOND

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 12/15/10 &  
01/03/11

PRIVILEGE OF THE FLOOR

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**COMMUNICATIONS:**

1. Letter – Legstr. Lemon Resignation from District 8 – Effective 1/18/11
  2. Cert. to Fill Vacancy on Co. Leg. & Cert. of Acceptance – Tamera Downey – District 8
  3. Letters (2) – Co. Exec. – Appts. – Traffic Safety Bd. & Soil & Water Bd.
  4. Investment Results – Fin. Director Schulz - Dec/2010
  5. Faxes (2) – N. Caverretta – Re: Property
  6. Resignation Letter – Malinda Stoller from Parks Commission
  7. Letter – NYS Dept. of State – Ack. Receipt of LL 3-10
  8. Letter – Chamber of Commerce – Re: Reduction of Sales Tax on Clothing & Footwear
  9. Letter – NYS Dept. of Ag. & Markets – Re: Ack. Receipt of Res. 63-10 – Review Plan to Consolidate – Ag. Dist. 1
  10. NYSDEC Highlights – Fish & Wildlife – 10/15 – 11/15/10
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**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS**

**NO VETOES FROM 12/15/10 & 1/03/11**

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**5-11 Appt. of Tamera M. Downey as Legislator from Dist. 8 – Towns of Carroll, Kiantone, and Part of Busti**

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**ACTION ON:**

**TABLED RES. 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 consisting less than \$55 per item, pursuant to the authority of Article 29 of the Tax Law of the State of New York**

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**RESOLUTIONS:**

- 6-11 Appt. Clerk of the Legislature**
- 7-11 Confirm Appt. & Re-Appts. – Conewango Watershed Commission**
- 8-11 Confirm Appt. – Chaut. Co. Traffic Safety Board**
- 9-11 Confirm Re-Appt. – Chaut. Co. Soil & Water Conservation Dist. Board**
- 10-11 Auth. South & Center Chaut. Lake Sewer Districts to Obtain Engineering Report – Re: Removal of Phosphorus in Wastewater Treatment Plant**
- 11-11 Auth. Implementation & Funding – Re: Bemus-Stow Ferry Facilities Upgrade**
- 12-11 Auth. Implementation & Funding – Re: Improve Intersection Co. Rt. 88, Versailles Rd. & Co. Rt. 95, Alleghany-York Road – Town of Hanover & Co. Rt. 45, Southwestern Dr. & Co. Rt. 30, Baker Street –T/Busti & Ellicott**
- 13-11 Establish Budget for use of Chadwick Bay Building by Dept. of Social Servs.**
- 14-11 Amend Rules & Regulations of the Chaut. Co. Legislature**
- 15-11 Auth. Agrmt. w/ Town of Hanover for Enhanced Police Services**
- 16-11 Auth. Agrmt. w/ Town of N. Harmony for Enhanced Police Servs. & Court Security Detail**
- 17-11 Transfer of Health Dept. Capital Project Funding to SCOB Nursing Renovation Capital Project**
- 18-11 Adjust Accts. Due to Reallocation of Space w/in the SCOB**
- 19-11 Accept Family Planning Grant Funding**
- 20-11 Designate Chaut. Co. as Lead Agency for SEQR Review – Re: Chaut. 20/20 Comprehensive Plan**
- 21-11 Auth. Grant Application through NYS Office of Community Renewal Community Development Block Grant Program**
- 22-11 Auth. Sale of Property Located at 2 North Erie St., Mayville, N.Y.**

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**MOTIONS:**

- A. Opposing NYS Takeover of Western Regional OTB Municipality Assets**
- B. Supporting the Chautauqua Lake Watershed Management Plan**

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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

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RES. NO. 5-11

Appointment of Tamera M. Downey as Legislator from District 8, Towns of  
Carroll, Kiantone and Part of Busti

At the Request of Legislators Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond,  
Runkle, Borrello, Tarbrake, Stewart, and Scudder

WHEREAS, there exists a vacancy in the Chautauqua County Legislature due to the  
resignation of Ronald Lemon District 8; and

WHEREAS, a Certificate of Recommendation has been received from the Legislative  
District 8, (Towns of Carroll, Kiantone and Busti) Committees recommending the appointment  
of Tamera M. Downey, 2020 Riverside Dr., Jamestown, NY; and

WHEREAS, a Certificate of Acceptance has been received from Tamera M. Downey,  
now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter,  
Tamera M. Downey is hereby appointed Legislator from District 8, comprised of the Towns of  
Carroll, Kiantone and Busti.

Signed: Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello,  
Tarbrake, Stewart, and Scudder

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RES. NO. 6-11

Appointing Clerk of the Legislature

At the Request of Legislators Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond,  
Runkle, Borrello, Tarbrake, Stewart, and Scudder:

RESOLVED, That Ronald Lemon 49 N. Pearl St., Frewsburg, NY be and hereby is  
appointed Clerk of the Chautauqua County Legislature, effective January 27, 2011, to serve at  
the pleasure of the Chairman of the Legislature, at an annual salary of \$36,000

Signed: Croscut, Barmore, Himelein, Babbage, Gould, Park, Richmond, Runkle, Borrello,

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RES. NO. 7-11

Confirm appointment & Re-Appointments-Conewango Watershed Commission  
By Public Facilities Committee:

At the Request of County executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the  
following re-appointments to the Conewango Watershed Commission.

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Robert Stewart  
15 Oak Street  
Conewango Valley, NY 14726  
Term Expires: 11/23/13

Robert Carpenter  
1074 28 Creek Road  
Kennedy, N.Y. 14747  
Term Expires: 12/31/13

Kenneth Chase  
646 Pinner Road  
Cherry Creek, N.Y. 14723  
Term Expires: 12/31/13

Herbert Nobles  
7690 Rt. 83  
South Dayton, N.Y. 14138  
Term Expires: 12/31/13

Carl (Pete) Smallbeck  
7276 North Road  
Cherry Creek, N.Y. 14723  
Term Expires: 12/31/13  
Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart

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RES. NO. 8-11

Confirm Appointment-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 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 Traffic Safety Board.

Lisa Schmidtfreerick-Miller  
2373 Erickson Road  
Ashville, N.Y. 14710  
Term Expires: 1/31/14

Replacing Ann Abdella

Signed: Richmond, Himelein, Duff, Mueller

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RES. No. 9-11

Confirm Re-appointment-Chautauqua County soil & Water Conservation District Board

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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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 Soil and Water Conservation District Board:

Fred Croscut  
3375 Waits Corner Rd.  
Sherman, N.Y. 14782  
Term Expires: 1/31/12

Bruce Kidder  
3375 Nutt Rd.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/13

Signed: Park, Heenan, Tarbrake, Borrello

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RES. NO. 10-11

Authorizing the South and Center Chautauqua Lake Sewer Districts to Obtain an Engineering Report with Respect to the Enhancement of the Removal of Phosphorus in its Wastewater Treatment Plant

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the South and Center Chautauqua Lake Sewer Districts (hereinafter referred to as Districts) have reviewed the report prepared by The Cadmus Group, Inc. for the United States Environmental Protection Agency and the New York State Department of Environmental Conservation dated July, 2010 entitled Total Maximum Daily Load (TMDL) for Phosphorus in Chautauqua Lake; and

WHEREAS, the Districts anticipate being compelled by state and federal regulatory agencies pursuant to applicable laws and regulations to increase significantly the degree of removal of phosphorus from the discharge of its wastewater treatment plant and to incur substantial capital and subsequent operational costs related thereto; and

WHEREAS, the Districts have initiated the acquisition of information with respect to phosphorus in various forms in the influent, process waste stream and effluent of its Wastewater Treatment Plant required to plan and design additional phosphorus removal equipment and processes to avoid unnecessary expenditures for facilities or processes in excess of what is required to meet legal and regulatory mandates; and

WHEREAS, the Board of Directors of the Districts (hereinafter referred to as Board) has recommended the retention of an engineer to prepare a map and plan for consideration by the Chautauqua County Legislature in accordance with procedures established under County Law §268; and

WHEREAS, County Law §268 requires the approval of the Chautauqua County Legislature for the performance of such services; therefore be it

RESOLVED, That the Chairman of the Board of South and Center Chautauqua Lake Sewer Districts is authorized to execute a contract with GHD Consulting Engineers, LLC in the amount \$64,100 to prepare an engineering study of the enhancement of phosphorus removal at

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the Wastewater Treatment Plant of the Districts satisfactory for proceeding under County Law §268, and be it further

RESOLVED, That the cost of the report shall be paid from the funds of the Districts.

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

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RES. NO. 11-11

Authorizing the implementation, and funding in the first instance 100% of the Federal-Aid eligible costs of a Transportation Federal-Aid Project, to fully fund the local share of Federal-Aid eligible and ineligible project costs, and appropriating funds therefore

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, a project, for the Bemus-Stow Ferry and Facilities Upgrade Project, in the Towns of Ellery and North Harmony, Chautauqua County, PIN 5758.85, (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

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

WHEREAS, Resolution 191-10 appropriated funds in the amount of \$485,289 for the Construction and Construction Inspection phases of the project; and

WHEREAS, the estimated Federal Share of the additional Construction and Construction Inspection phases is estimated to be \$60,000 and Non Federal Share is estimated to be \$15,000 for a combined total of \$75,000; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering and Construction & Construction Inspection phases of the project PIN 5758.85; and:

WHEREAS, the 2011 Budget included \$300,000 for contingency; therefore be it

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

RESOLVED, That the Chautauqua County Legislature authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Preliminary Engineering and Construction & Construction Inspection phases of the Project portions thereof; and be it further

RESOLVED, That in the event the amount required to pay 100% of the Federal and Non-Federal shares of the cost of the project's Construction & Construction Inspection phases exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and be it further

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RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and be it further

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

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2011 Adopted Budget and Capital Budget:

DECREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingent Account	\$15,000
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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$15,000
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.675.4	Contractual – Parks & Bemus-Stow Ferry/Facilities	\$75,000
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.7110.675.R459.7000	Transportation Capital – Parks & Bemus-Stow Ferry/Fac	\$60,000
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H.7110.675.R503.1000	Inter-fund Transfer - Parks	<u>\$15,000</u>
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\$75,000

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Gould, Park, Runkle, Richmond – (A.C. – Gullo voting "no")

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RES. NO. 12-11

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 Project to Improve the Intersections of County Route 88, Versailles Road @ County Route 95, Alleghany-York Road in the Town of Hanover, and County Route 45, Southwestern Drive @ County Route 30, Baker Street in the Towns of Busti and Ellicott, Chautauqua County, PIN 5759.10, (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 90% Federal funds and 10% Non-Federal funds; and

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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) phase of the project PIN 5759.10 with existing funding in account D.5112.391;

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

RESOLVE, 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) phase of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-VI) phase exceeds the amount appropriated, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and 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 Commissioner 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 hereby authorized and directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Highway Improvements	\$ 8,775
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INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.391.R458.9002	Federal Aid - Surface Transportation Program	\$ 8,775
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Signed: Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Gould, Park, Runkle, Richmond, Gullo

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RES. NO. 13-11

Establish Budget for use of Chadwick Bay Building by Department of Social Services

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

At the Request of County Executive Gregory J. Edwards:

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WHEREAS, the 2011 Adopted budget was predicated on a plan for the Department of Social Service to return to its previous office space at the Graf building in Dunkirk; and

WHEREAS, circumstances have changed whereby the Department of Social Services can be temporarily located in another county owned facility, the Chadwick Bay Building; and

WHEREAS, a budget for the utilities and other costs of maintenance for the use of this space along with shared services revenue to be allocated from Buildings & Grounds to the Department of Social Services must be established; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1620.6070.4 Contractual – Chadwick Bay Building \$35,062

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1620.6070.R241.0CHA Use of Money & Property - Rental: Chad Bay Bldg \$35,062

Signed: Babbage, Barmore, Nazzaro, DeJoe, Stewart, Tarbrake, Runkle, Richmond, Park, Gould, Stutzman, Ahlstrom, Gullo

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RES. NO. 14-11

Amend Rules and Regulations of the Chautauqua County Legislature

By Administrative Services Committee:

At the Request of Legislator Mueller:

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, 82-09, and 82-10; and

WHEREAS, it is appropriate that the standing committees of the County Legislature be reduced and consolidated from six (6) to four (4) committees; therefore be it

RESOLVED, That Paragraphs C and D of Rule 7 of Section II in the Rules and Regulations of the Chautauqua County Legislature is hereby amended by substitution to state as follows:

C. The following standing committees of the County Legislature are hereby created:

Administrative Services

Audit and Control

Human Services and Public Safety Committee

Planning, Economic Development, and Public Facilities Committee

D. The areas of responsibilities for each of the above named committees are as follows:

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**ADMINISTRATIVE SERVICES**

This Committee shall:

- a. Study and make recommendations to the Policy Conference and Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with administrative services under the executive branch of county government, and programs associated with the County Clerk and Board of Elections.
- b. Continuously monitor the programs associated with administrative services under the executive branch of county government and the County Clerk and Board of Elections, and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities involving programs associated with administrative services under the executive branch of county government and programs associated with the County Clerk and Board of Elections.
- d. Review and make recommendations to the Legislature regarding compensation of all officers and employees paid from county funds.
- e. Deal with all matters pertaining to the operation of the Legislature.
- f. Review and recommend proposed changes to the Chautauqua County Charter and review proposed changes to the Chautauqua County Administrative Code.
- g. Act on all appointments not under the jurisdiction of another committee of the Legislature.
- h. Deal with all matters involving county tax sales, county tax liens, and county tax deeds and shall make recommendations to the full Legislature concerning the sale or other disposition of County-owned tax properties.

**AUDIT AND CONTROL COMMITTEE**

1. This Committee shall:

- a. Study and make recommendations to the full Legislature on all appropriations for all purposes. It shall work with the County Executive, other elected officials, and the Budget Director in developing the tentative capital budget and the tentative operating and maintenance budget.
- b. Review the aforesaid tentative budgets after their presentation with the County Executive, other elected officials, the Budget Director, and those department heads requesting revised budgets. It may summon other department heads to testify as it deems necessary. In preparing the tentative capital budget and tentative operating and maintenance budget, the committee shall receive recommendations from the other standing committees relating to priorities within their respective jurisdiction.
- c. Recommend to the full Legislature such changes in the tentative budgets as it deems appropriate. After the budget has been legally established, it shall review any requested additions or transfers of funds between accounts or departments. No local enactment designated for committee review carrying an appropriation or transfer of money shall be acted upon by the full Legislature until action shall have been taken by this committee, except as otherwise provided herein.

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- d. Approve all capital projects and review performance and actual costs against original commitments.
- e. Deal with all matters pertaining to other municipalities in areas of tax exemption.
- f. With the assistance of the Finance Director, Budget Director, and the County Legislature's financial analyst, it shall monitor and recommend to the full Legislature any necessary action regarding the County's investment policies, indebtedness, tax levy, tax rate, tax stabilization, fund balances, long-range financial planning and other financial matters.
- g. Be responsible for identifying, developing, and recommending general financial policy and related structural changes in County government in order to ensure its financial health and stability.

**HUMAN SERVICES AND PUBLIC SAFETY COMMITTEE**

This Committee shall:

- a. Study and make recommendations to the Policy Conference and Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with human services and public safety under the executive branch of county government and under the Sheriff, District Attorney, Public Defender, and Coroners.
- b. Continuously monitor the programs associated with human services and public safety under the executive branch of county government and under the Sheriff, District Attorney, Public Defender, and Coroners, and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with human services and public safety.
- d. Act as a liaison to the Courts of Chautauqua County and deal with public safety matters involving the courts.

**PLANNING, ECONOMIC DEVELOPMENT, AND PUBLIC FACILITIES  
COMMITTEE**

This Committee shall:

- a. Study and make recommendations to the Policy Conference and Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with planning, economic development, and public facilities under the executive branch of county government, and special purpose districts.
- b. Continuously monitor the programs associated with planning, economic development, and public facilities under the executive branch of county government and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with planning, economic development, and public facilities.

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- d. Deal with all matters associated with the Chautauqua County Industrial Development Agency, Chautauqua County Planning Board, and agriculture.
- e. Deal with all matters pertaining to air and water quality and land use.

Signed: Barmore, Scudder, Cornell, DeJoy with Runkle Voting No

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RES. NO. 15-11

Authorize Agreement with Town of Hanover for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of Hanover has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Township during the 2011 – 2013 calendar years; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Hanover for the period of January 1, 2011 through December 31, 2013, for an estimated cost not the exceed \$355,703 for 2011, \$365,302 for 2012 and \$375,860 for 2013; therefore be

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

Signed: Richmond, Himelein, Duff, Mueller, Gould, Nazzaro, DeJoe, Gullo, Park – (A.C. – Runkle voting "no")

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RES. NO. 16-11

Authorize Agreement with Town of North Harmony for Enhanced Police Services and Court Security Detail

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Town of North Harmony 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 supply court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2011 through December 31, 2011, for an estimated cost not the exceed \$6,000.00 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 North Harmony for enhanced police services and court security as set forth above with revenues to be credited to revenue account A.3110.R226.0000.

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

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RES. NO. 17-11

Transfer of Health Department Capital Project 32802 funding to SCOB Nursing Renovation –  
Capital Project #32876

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Health Department previously submitted and was granted a capital request for 2010 (Capital Project 32802) that would allow renovation of the Dunkirk nursing clinic in the Graf Building to provide an additional examination room; and

WHEREAS, the fire in Dunkirk has precluded the Health Department from undertaking this project at this time; and

WHEREAS, the Health Department requests that the funds be reallocated to the SCOB nursing clinic location in Jamestown to create storage rooms that are both negatively and positively pressure ventilated to comply with Title 10, Article 28 Diagnostic and Treatment Center regulations and upgrade the nursing stations; and

WHEREAS, the Chautauqua County Planning Board has unanimously recommended that the current funds allocated for Capital Project 32802 be reallocated to the new health clinic project at SCOB (Capital Project 32876); therefore be it

RESOLVED, That that the Director of Finance is directed to make the following adjustments to the Capital budget:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.4010.32876.4	Contractual - SCOB Nursing Renovation	\$10,000
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DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.4010.32802.4	Contractual - Renovate Clinic (GRAF Bldg)	\$10,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.4010.32876.R503.1000	Interfund Transfer – SCOB Nursing Renovation	\$10,000
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DECREASE CAPITAL REVENUE ACCOUNT:

H.4010.32802.R503.1000	Interfund Transfer – Renovate Clinic (GRAF Bldg)	\$10,000
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Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Runkle, Richmond

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RES. NO. 18-11

Adjust Accounts Due to Reallocation of Space within the South County Office Building

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

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WHEREAS, the 2011 Adopted budget was predicated on a plan for the Health Department to vacate 6,253 ft<sup>2</sup> of the South County Office Building (SCOB) and on a plan for the Department of Social Services to move into the space vacated by the Health Department; and

WHEREAS, circumstances have changed whereby the Health Department will vacate only 935 ft<sup>2</sup>; and

WHEREAS, the Department of Social Services will take over only 935 ft<sup>2</sup> vacated by the Health Department within the South County Office Building; therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.5	Fixed Contractual – Public Health Nursing	\$59,650
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DECREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.4	Contractual – Public Health Nursing	\$20,877
A.6010.----.5	Fixed Contractual – Social Services	\$59,650

DECREASE REVENUE ACCOUNT:

A.6010.----.R361.0000	NYS Aid: Social Services Admin	\$20,877
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Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Runkle, Richmond

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RES. NO. 19-11

Accept Family Planning Grant Funding

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Health Department has awarded grant funding to the Chautauqua County Health Department for the Comprehensive Family Planning Program; and

WHEREAS, the award for the first year of the five-year contract cycle is \$662,913 for the period from January 1, 2011 to December 31, 2011, and the 2011 Budget does not include the funding and revenue for the EC, HPV and HIV components of this award; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for funding on an annual basis for so long as the County Department of Health continues to be funded by this program, with work plans and budgets to be amended and revised on a yearly basis; and be it further

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

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

CHAUTAUQUA COUNTY LEGISLATURE

01/26/2011

INCREASE APPROPRIATION ACCOUNT:

A.4035.----.4 Contractual – Public Health \$85,284

INCREASE REVENUE ACCOUNT:

A.4035.----.R448.9FPL Federal Aid – Other PH: Family Plan \$85,284

Signed: Tarbrake, Gould, Stutzman, Ahlstrom, Nazzaro, DeJoe, Gullo, Park, Richmond – (A.C. - Runkle voting "no")

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RES. NO. 20-11

Designate Chautauqua as Lead Agency for (SEQR) Review for Adoption of Chautauqua 20/20 as Chautauqua County's Comprehensive Plan

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, New York State has granted the authority to Chautauqua County to establish or amend a Comprehensive Plan pursuant to Article 12-B of the New York State General Municipal Law; and

WHEREAS, the adoption of a county comprehensive plan is subject to the provisions of the state environmental quality review act (SEQR) pursuant to Article Eight of the Environmental Conservation Law and its implementing regulations; and

WHEREAS, the proposed action is a Type I Action pursuant to SEQRA and shall require a lead agency to conduct an environmental review in accordance with SEQR; and

WHEREAS, the Chautauqua County is the sole involved agency with authority to approve and adopt by resolution the Chautauqua County Comprehensive Plan entitled *Chautauqua 20/20*; and

WHEREAS, it is the responsibility of the sole involved agency which undertakes such action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That pursuant to 6 NYCRR Part 617.4, Chautauqua County hereby assumes responsibility to act as the SEQR lead agency and comply with all SEQR requirements for the adoption of *Chautauqua 20/20* as the Comprehensive Plan for Chautauqua County.

Signed: Park, Heenan, Tarbrake, Borrello

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RES. NO. 21-11

Authorize Grant Application through the New York State Office of Community Renewal Community Development Block Grant (CDBG) Program

By Planning & Economic Development Committee:

CHAUTAUQUA COUNTY LEGISLATURE

01/26/2011

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Office of Community Renewal (OCR) has grant funding available through its Community Development Block Grant (CDBG) program for economic development programs in Chautauqua County; and

WHEREAS, the County will submit a grant application to OCR to fund financing of the operations of Jamestown MVP LLC; and

WHEREAS, the County Planning and Economic Development Department will hold two public meetings on the funding: the first to elicit public input to the general program; the second, for comments on the final proposal; and

WHEREAS, the County will complete preparation of the proposals for filing; now 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: Park, Heenan, Tarbrake, Borrello

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RES. NO. 22-11

Authorize Sale of Property Located at 2 North Erie Street, Mayville

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County owns the property in the Village of Mayville designated on the Chautauqua County Tax Map as Section 262.7, Block 2, Lot 16 consisting of the building formerly known as the Ice Cream Shop and the adjacent building which has most recently housed a restaurant and bakery; and

WHEREAS, in response to a recent RFP the County received two proposals to purchase the aforementioned property; and

WHEREAS, the Department of Public Facilities has reviewed the two proposals and have recommended accepting the proposal of Timothy and Darlene Wendell; and

WHEREAS, it is the desire of the Legislature to apply any surplus from the sale of this property to the contingency account; therefore be it

RESOLVED, That the property, designated on the Chautauqua County Tax Map as Section 262.7, Block 2, Lot 16, is no longer needed public use, and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute any and all documents necessary to sell the aforementioned property to Timothy and Darlene Wendell of Dewittville, NY for the purchase price of \$42,500.

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

INCREASE APPROPRIATION ACCOUNT:

A.1990.----.4	Contractual – Contingent Account	\$10,000
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CHAUTAUQUA COUNTY LEGISLATURE

01/26/2011

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1990.R266.0000 Sale of Property/Compensa–Sale of Real Property \$10,000

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