

**2013**  
**JOURNAL OF PROCEEDINGS**  
OF THE  
**CHAUTAUQUA COUNTY LEGISLATURE**  
MAYVILLE, NEW YORK

2010 Census Population  
for  
Chautauqua County 134,905

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**Frank J. Gould, III, Chairman..... Ashville, NY**  
**Katherine K. Tampo, Clerk.....Silver Creek, NY**

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CHAUTAUQUA COUNTY LEGISLATURE

#1	(Tn. Of Dunkirk & Part of City)	Keith D. Ahlstrom	PO Box 254 Dunkirk, NY 14048
#2	(City of Dunkirk)	Shaun Heenan	89 Seel Acres Dunkirk, NY 14048
#3	(Tn. Of Dunkirk & Part of City & Sheridan)	Robert Duff	2024 Laona Rd. Forestville, NY 14062
#4	(Tn. Of Hanover)	George Borrello	1014 South Shore Dr. Irving, NY 14081
#5	(Tns. Arkwright; Villenova Parts of Charlotte, Hanover)	Rod Rogers	10533 Empire Rd. Forestville, NY 14062
#6	(Parts of Pomfret & Stockton)	John W. Runkle	223 Dale Drive Cassadaga, NY 14718
#7	(Tns. Cherry Crk. & Ellington Parts of Charlotte & Poland)	Robert Stewart	6176 Crestview Dr. Cherry Creek, NY 14723
#8	(Parts of Busti, Carroll & Kiantone)	Tom Erlandson	26 Valley View Dr. Frewsburg, NY 14738
#9	(Parts of Ellicott & Gerry)	Larry Barmore	PO Box 245 Gerry, N.Y. 14740
#10	(Parts of Busti & Ellicott)	Mark Tarbrake	3151 Oak Ridge Circle Jamestown, NY 14701
#11	(Parts City of Jamestown)	Victoria R. James	809 Lafayette Street Jamestown, NY 14701
#12	(Parts City of Jamestown)	Lori B. Cornell	20 Dewey Place Jamestown, NY 14701
#13	(Parts City of Jamestown)	Paula DeJoy	219 Barrows Street Jamestown, NY 14701
#14	(Parts City of Jamestown)	Timothy Hoyer	55 McDaniel Ave. Jamestown, NY 14701

#15	(Parts City of Jamestown)	Robert Whitney	41 Hallock St. Jamestown, NY 14701
#16	(Parts City of Jamestown & Tn, of Ellicott)	Chuck Nazzaro	236 Springdale Ave. Jamestown, NY 14701
#17	(Parts of Ellery & Chautauqua)	Vince Horrigan	225 Lakeside Dr. Bemus Point, NY 14712
#18	(Parts of Busti)	Paul Wendel	20 Hern Avenue Lakewood, NY 14750
#19	(Parts of Harmony, N. Harmony & Busti)	Frank Jay Gould	70 Hoag Road Ashville, NY 14710
#20	(Tn. of Sherman & Parts of Chautauqua)	Fred Croscut	7804 Freeman Rd. Sherman, NY 14781
#21	(Tns. Fr. Creek, Mina & Parts of) Clymer & Ripley	David L. Himelein	P. O. Box 617 Findley Lake, N.Y. 14736
#22	(Parts of Ripley & Westfield)	John Hemmer	7539 E. Rt. 20 Westfield, NY 14787
#23	(Tn. of Portland)	Thomas DeJoe	14 Fay Street Brocton, N.Y. 14716
#24	(Parts of Pomfret)	Robert Scudder	348 W. Main St. Fredonia, NY 14063
#25	(Parts of Pomfret)	William Coughlin	285 Porter Ave. Fredonia, NY 14063

2013 Committee Assignments

Administrative Services

Bob Scudder  
Larry Barmore  
Paula DeJoy  
Lori Cornell \*\*  
Mark Tarbrake

Audit & Control

John Runkle  
George Borrello  
Chuck Nazzaro \*\*  
PJ Wendel  
Tom DeJoe  
Shaun Heenan  
David Himelein

Human Services

Mark Tarbrake  
Vince Horrigan  
Victoria James\*\*  
Timothy Hoyer  
John Hemmer

Planning & Econ. Dev.

Fred Croscut  
George Borrello  
Shaun Heenan \*\*  
Keith Ahlstrom  
Rod Rogers

Public Facilities

David Himelein  
Bob Stewart  
Tom DeJoe \*\*  
Tom Erlandson  
Vince Horrigan

Public Safety

Robert Duff  
PJ Wendel  
Bill Coughlin \*\*  
John Hemmer  
Robert Whitney

Committee Chairman listed First  
Committee Vice Chairman listed Second  
Ranking Member \*\*

CHAUTAUQUA COUNTY DIRECTORY  
For the Year 2013  
COUNTY GENERAL

COUNTY LEGISLATURE

Frank J. Gould, III, Chairman  
Katherine K. Tampio, Clerk  
Lori J. Foster, Deputy Clerk

Mayville  
Mayville  
Mayville

COUNTY EXECUTIVE

Gregory J. Edwards, County Executive - Resigned 11/15/13  
Stephen Abdella, Acting - 11/16/13-12/31/13

Mayville

LAW

Stephen Abdella, County Attorney  
Kurt D. Gustafson, 1st County Attorney  
Scott F. Harley, 2nd County Attorney  
Kristen Wright, 2nd County Attorney  
Rebecca Davidson Marsh, Assistant Attorney

Mayville  
Mayville  
Mayville  
Mayville  
Mayville

AGING

Mary Ann Spanos, Director

Mayville

BUDGET

Kitty Crow, Director

Mayville

COUNTY CLERK

Sandy Sopak, County Clerk  
Tracie Haskins, Deputy County Clerk  
Daniel Thompson, Director, Sealer Weights & Measures

Mayville  
Mayville  
Mayville

COUNTY HOME

Timothy Hellwig, Director

Dunkirk

CORONERS

Warren H. Riles, Chief Coroner  
James Jackson  
Richard Mackowiak  
John Sixbey

Mayville  
Mayville  
Mayville  
Mayville

DIVISION OF PURCHASING

George Carlson II, Deputy Director

Mayville

ELECTION BOARD

Brian Abram, Commissioner (Republican)  
Norman Green, Commissioner (Democrat)

Mayville  
Mayville

EMERGENCY SERVICES Julius Leone, Director	Mayville
FINANCE Susan Marsh, Director James E. Cafilisch, Director of Real Property Tax Services	Mayville Mayville
HEALTH & HUMAN SERVICES Christine Schuyler, Director	Mayville
HISTORIAN Michelle Henry	Mayville
HUMAN RESOURCES Joseph Porpiglia, Director	Mayville
INDUSTRIAL DEVELOPMENT William Daly, Director	Jamestown
INSURANCE Susan Marsh	Mayville
MENTAL HYGIENE SERVICES Patricia Brinkman, Director	Mayville
PLANNING & DEVELOPMENT William Daly, Director Mark Geise, Deputy Director	Jamestown Jamestown
PUBLIC FACILITIES George Spanos	Falconer
SHERIFF Joseph A. Gerace, Sheriff Chuck Holder, Under Sheriff	Mayville Mayville
VETERANS SERVICES Douglas L. Diers, Director	Jamestown
JUDICIAL	
COUNTY COURT Hon. John T. Ward, Judge	Mayville

FAMILY COURT Hon. Judith S. Claire, Judge	Mayville
SUPREME COURT Hon. Frederick Marshall, Judge	Mayville
SURROGATE COURT Hon. Stephen W. Cass, Judge	Mayville
COMMISSIONER OF JURORS Kathleen D. Krauza, Commissioner	Mayville
DISTRICT ATTORNEY David Foley	Mayville
PROBATION Linda Shields, Director	Jamestown
PUBLIC DEFENDER Nathaniel L. Barone	Mayville

Chautauqua County Legislature  
Organizational Meeting  
Wednesday, January 2, 2013, 4:00 p.m.  
Legislative Chambers, Mayville, New York

Clerk Tampio called the Organizational Meeting to order at 4:00 p.m. and announced a quorum present.

Legislator Barmore delivered a prayer followed by the Pledge of Allegiance.

Legislator Barmore: I would move that we take resolution 1-13 out of order at this time.

Legislator Himelein: Second.

Clerk Tampio: Any discussion?

Unanimously Carried

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RES. 1-13

Appointment of Frank J. Gould III as Legislator from District 19, Towns of Harmony and North Harmony and a Portion of Town of Busti

At the Request of Legislator Larry Barmore:

WHEREAS, a Certificate of Recommendation has been received from Legislative District 19, (Towns of Harmony, North Harmony and a portion of the Town of Busti) Committees recommending the appointment of Frank J. Gould III, 70 Hoag Road, Ashville, N.Y. and

WHEREAS, a Certificate of Acceptance has been received from Frank J. Gould III; now therefore be it

RESOLVED, That in accordance with Section 2.03 of the Chautauqua County Charter, Frank J. Gould III is hereby appointed Legislator from District 19, comprised of the Towns of Harmony, North Harmony and a portion of the Town of Busti.

Signed: Barmore

Clerk Tampio: We'll now have the vote for this resolution. All those in favor?

Unanimously Adopted – R/C Vote: 25 Yes – January 2, 2013

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ELECTION OF CHAIRMAN

Clerk Tampio opened the floor for nominations for Chairman of the Legislature.

Legislator Whitney: I would like to nominate Jay Gould.

Legislator Duff: Second.

Clerk Tampio: Are there any other nominations? Seeing none I will entertain a motion to close the nominations.

Legislator Barmore: Move to close the nominations.

Legislator Tarbrake: Second.

Unanimously Carried

Clerk Tampio: We will now have a vote for Chairman. Mr. Gould has been nominated for Chairman.

R/C Vote: 25 Yes for Frank J. Gould as Chairman.

(Applause)

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ACCEPTANCE SPEECH

Chairman Gould: Thank you very much. I have a little acceptance speech and I will make it very brief, I hope.

Good Afternoon Ladies and Gentleman of the Legislature. Mr. County Executive, but I don't see him, members of the public and the press.

I would like to thank this body for your confidence and support again to lead this Legislature in 2013. This past year tested our ability to work together to resolve some very critical issues facing our County. We met some challenges head on and left other unresolved.

For us in local government, we still see no relief from Federal and State mandates. These are big dollar programs which must be reformed and yet we are forced to continue funding them with ever more local dollars. This at the expense of local programs which are just as deserving for funding.

Many steps over the past several years have been taken to control our costs. County government is doing more with less by any measure and it has saved millions for the taxpayers of the County. Unfortunately it can't keep pace with the mandated requirements. Raising property taxes is not the answer to funding these mandates and short term gimmicks are not an answer for the long term solutions we need to take as a County. We will have to face some difficult issues this year. We have a serious structural problem with our budget which must be addressed. It is time to fix the problem or we risk falling into the same holes as the State and Federal government. We can rise above the politics for common sense solutions to our problems. We have shown we can come together as a responsible Legislature when we need to and we will do it again.

I thank you again for your support to lead this body and I wish everyone a Happy and Healthy New Year. Thank you. (Applause)

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1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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(REPUBLICAN) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2013 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Gould, Horrigan, Croscut, Scudder, Hemmer, Stewart, Borrello, Barmore, Wendel, Himelein, Tarbrake, Duff

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(DEMOCRATIC) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Democratic party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2013 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvas, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: DeJoe, Erlandson, Rogers, Coughlin, James, Whitney, Cornell, DeJoy, Nazzaro, Heenan, Hoyer

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APPOINTMENT OF REPUBLICAN LEADER AND ASSISTANT

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator Larry Barmore as the Leader of the Chautauqua County Legislature for the year 2013 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970. And appoint, as the Assistant Leader, Legislator David Himelein.

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APPOINTMENT OF DEMOCRAT LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Robert Whitney as the Leader of the Chautauqua County Legislature for the year 2013 in accordance with Local Law No. 6-1969 adopted on the 2<sup>nd</sup> day of January 1970. And appoint, as the Assistant Leader, Legislator William Coughlin.

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RES. NO. 2-13

Appointing Clerk to the Chautauqua County Legislature

At the Request of: Legislators Gould, Horrigan, Croscut, Scudder, Hemmer, Stewart, Borrello, Barmore, Wendel, Himelein, Cornell, Whitney, James, Hoyer, Coughlin, Rogers, DeJoe, DeJoy, Tarbrake, Duff, Ahlstrom, Heenan

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2013, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$17,993.00 for 49% time.

Signed: Gould, Horrigan, Croscut, Scudder, Hemmer, Stewart, Borrello, Barmore, Wendel, Himelein, Cornell, Whitney, James, Hoyer, Coughlin, Rogers, DeJoe, DeJoy, Tarbrake, Duff, Ahlstrom, Heenan

Unanimously Adopted – R/C Vote: 25 Yes – January 2, 2013

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RES. NO. 3-13

Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Legislators Gould, Horrigan, Croscut, Scudder, Hemmer, Stewart, Borrello, Barmore, Wendel, Himelein, Tarbrake, Duff, Ahlstrom, Heenan, Cornell, Whitney, James, Hoyer, Rogers, Coughlin, DeJoe, DeJoy:

RESOLVED, That Lori J. Foster, P.O. Box 105, Portland, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2013 at a salary of \$19.91 per hour; and be it further

RESOLVED, That in addition to Secretary to the Legislature, Lori J. Foster be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2013, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2013.

Signed: Gould, Horrigan, Croscut, Scudder, Hemmer, Stewart, Borrello, Barmore, Wendel, Himelein, Tarbrake, Duff, Ahlstrom, Heenan, Cornell, Whitney, James, Hoyer, Rogers, Coughlin, DeJoe, DeJoy

Unanimously Adopted – R/C Vote: 25 Yes – January 2, 2013

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RES. NO. 4-13  
Designation of Official Newspaper – 2013

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2013 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Gould

Unanimously Adopted – January 2, 2013

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RES. NO. 5-13  
Delegate Authority to Approve Certain Correction of Errors (Refunds) to Chairman of Legislature

At the Request of Chairman Frank J. Gould:

WHEREAS, Chapter 383 of the Laws of 1984 authorizes a tax levying body to delegate the authority to approve administrative corrections to tax levies when such correction would result in a potential refund of Twenty Five Hundred Dollars (\$2,500.00) or less; and

WHEREAS, such delegation would only apply when the County's Director of Real Property Tax Services has investigated the claimed error in tax and recommended approval based upon that investigation; and

WHEREAS, the processing of such applications is primarily a clerical task rather than a legislative task; and

WHEREAS, the delegation of authority would afford the taxpayers of Chautauqua County a mechanism for prompt correction of an error in tax levy; now therefore be it

RESOLVED, That this Legislature hereby delegates the approval authority for administrative corrections to the tax levy to the Chairman of the Chautauqua County Legislature in cases where such correction will result in a tax change of Twenty Five Hundred Dollars (\$2,500.00) or less; and be it further

RESOLVED, That this resolution will be effective from this date until December 31, 2013.

Unanimously Adopted– January 2, 2013

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ANNOUNCEMENTS:

Legislator Whitney: After the meeting the Democrats will be meeting in the Minority Room just for a couple of minutes.

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2<sup>nd</sup> Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (4:23 p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, January 23, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Croscut delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Scudder and duly carried the minutes were approved. (1/2/13)

Privilege of the Floor

My name is Natalie Luczkowiak, I am a citizen and committee member of the Dunkirk, New York and a health care consultant as well. I am here in regards to the sale of the Chautauqua County Home. Making the decision to have a loved one enter a long term facility is a heart wrenching process and the vast majority of seniors would prefer to live in their own homes for as long as possible. However, life often gets in the way and proper safety demands that the senior live in a place where there are caregivers close by at all times to ensure that assistance is available at a moment's notice. Without question, the proximity of the facility of loved ones and services available at the nursing homes are usually the most important considerations. Research on the overall care differences between public and private homes was conducted in 2011 by the US Government Accountability Office, acronym is GAO. This report explains the reasons for the poor care provided at a for profit home. For example, lower nursing staff ratio. Keep in mind having a sufficient and quality nursing staff is better for caregiving and safety purposes. In fact, there is a bill in the State right now that nurses are fighting for, is called safe staffing. For profit homes obviously have incentive to keep those expenses as low as possible to increase their own profit margins. Also, when a private or non-profit nursing home has a specialty such as Alzheimer's, they earn a reputation for such and therefore can bring in from out of town and this will take away security our seniors in our County and leaving a burden to their families. So, I am here in support for keeping the Chautauqua County Home on a public facility.

My name is Susan Baldwin, I live in Villenova and I am here again on behalf of keeping the County Home in public hands. I know you guys have a big decision to make and there is a lot of things to consider and I hope that you are seriously putting your heart to it because there is a lot of things that have come up and keep coming up. There is just no opportunity that you have given to the cost savings measures that you have been asking for. You asked for the monthly budget for 2012 and I have seen nothing of an effort of that budget. Have you had it in your hands? Have you been able to consider it? Have you really looked at it or is it just a fluff of \$78,452.64 and all of this stuff that means near to nothing to you or is it in a reasonable format that you can understand? If it isn't, have you said, I don't understand this so that it is in a more efficient manner. If so, have you looked, have you considered it? This is what you guys need to do and I hope that you really, really take that to heart when you do because it is an important decision. There are only 8 nursing homes in all of Chautauqua County. Only 2 not-for-profit nursing homes in northern Chautauqua County, four of them are in Jamestown, Bemus Point areas. Dunkirk has nothing. If you guys sell this nursing home out for a for profit place, there is nothing there for them except 120 bed lakeshore nursing home. So, there are already on the outs for these other places. The Petri cookie place and the other factories that are shutting down and selling out. Please don't sell out their nurses too. Thank you.

My name is Marie Tomlinson and I live in Fredonia. I just feel like it would be helpful to have a short recap. This team, Marcus & Millichap have been going across the entire State approaching one county after another to sell their nursing homes. And they surprise, have these wonderful people picked out to sell it to. We've got this building that if you were going to try and build it would cost at least \$100 million dollars. It's a beautiful structure. It's very well maintained and it's in great shape. It has 30 acres of land and a gas well. So, oh yes, and a license. The license is worth something all by itself. This company comes along and says, we'll give you \$16 million for that and we're actually saying gee, what a good idea. I am astounded that you are not even trying to get some more for it at least. Good grief. Sixteen million dollars. Peanuts. The thing is, right now the County Home is run for the sole benefit of the people who live there and the people who work there. That means that everybody in the community has maximum benefit because when people are making a living wage, they buy more paint, they work on their houses and they make the whole community better. So thanks. Don't let us get the shaft here.

I'm Randy Scriven. I have lived in this County for the majority of my life. I know some of you here but not many of you. This is the first time that I have ever been here. I am here on behalf of my father who's at the nursing home and has dementia so bad that I can't take him out of there anymore because in his mind he owns property in Bemus Point that he hasn't owned since I was a kid, a baby, as a matter of fact. Sixty years ago. When I take him back to the nursing home he gets somewhat nasty and violent with me and I understand that he had gotten that was with the nurses over there. As a family, we can't take care of him 24/7. This facility that we have in the County, I think is a blessing. A lot of places don't have a facility like that where people like my Dad as he progressively gets worse as his disease progresses, he will maybe, I don't know, I don't have a crystal ball but I don't think any of you guys do either and what you say will be promised by a private takeover. I don't know if you can count on that or not. If the bottom line becomes a dollar, I hate to think that this generation that has become such a me, me, me, generation that we forget people like my Dad who fought over in Germany during WWII. He's 88 years old, he can't take care of himself anymore and the family can't do it. His life savings is all probably used up by now. I don't know. There are things as a community, we use to stick together, like the Amish stick together. Have we progressed far from that to where we don't stick together and people helping other people that can't help themselves. I was approached a month or two ago, somebody brought some property and they didn't want the snowmobile trail on their property. Well, I didn't particularly want it on my property either but for the County it's good. I think that it brings in revenue. People come in from Ohio and stay in our motels and I don't get a dime out of it. I don't ride snowmobile, I don't care to. I'd rather stay home and watch TV where it's warm. Years ago, maybe I would have enjoyed it but I am trying to do what I can for the County and as a group, I don't see why the County feels that they have to get rid of something that is more of a benefit that can't be done by individuals. As a County, if we could stick together –

Chairman Gould: Could you wrap it up please.

Mr. Scriven: That is basically it. I'm sorry that I took too much time but I am passionate about this.

My name is Antoinette Snyder and I am from Dunkirk. I am taking a little bit of a different view on this. We keep having it crammed down our throats how much money the taxpayers are paying for this County Home. How much it is costing us. I went on the budget to look to see how much it was costing us and I look at all these departments, Social Services, they are \$94 million dollars that is what they are budgeted for. Our local share for that \$94 million is \$50 million dollars. Our County Home is budgeted for \$21 million and I am going in round numbers. And our local share for that is \$2 million and the payroll – I have been in business all my life and I have never seen a payroll like this. The benefits amount to \$83 million dollars a year. Eighty three million and that is not even the wages. It's just the benefits. I know that I am going to make people angry at me but you get retirement, sick pay, vacation pay, health benefits, Medicare, FICA and the icing on the cake are 13 paid holidays. Who needs 13 paid holidays? You could save a bundle of money by just decreasing

those by maybe 5 or 6 or 7. Give 3, 4, or 5 paid holidays and one other thing that I couldn't believe my eyes was, the County Attorney. From \$300,000 last year, they're budgeted this year for \$600 and some thousand dollars for an attorney alone. Now, Mr. Barmore said that the bottom line is that you have budget problems. You do have budget problems because that is outlandish. So, I think that if you ran the County Home the way it is supposed to be run, it would be o.k., it would run on its own and you wouldn't have to worry about anything because it could make it on its own, but you need to have it run right. Two years ago the County Executive was told that they were having trouble, they were running into problems with the money and from 2008, the only two years that we have had to pay \$2 million dollars was 2011 and 2012. And two years ago the County Executive was notified and he never did anything about it. He just let it slide down because probably he was going to sell the Home back then and that would make it look real good that we were losing money on it. Thank you.

Mr. Chairman, Honored Electives, and County Executive Edwards. My name, I am sure that you know it all by now already for the second time is Paula Snyder and I reside in Olean. I speak once again and I plead with you, once again, on behalf of my mother Barbara Fitzgibbons who is your resident, your patient, and you're constituent in the Chautauqua County Home. You will remember that I spoke to you three months ago about all of you and all the staff of that wonderful place saved my mother's life after a horrific accident from lack of care at a Buffalo Hospital, after what was supposed to be a routine back surgery. I remain deeply grateful to all of you, all of you for saving her life and giving her back to us and for my 80 year old father to see as he drives there from his home in Silver Creek every day, and for me to be able to come and care for her there every week and give your staff a bit of a break, as much as I can. I beg you to rethink your path of selling the County Home to Avi Rothner and to slow down this speeding train which has the potential to do so much damage to these frail elderly and those who depend on you the most. Please again consider other options and other solutions to the problem that I know you face. I understand what you are going through. I respect these decisions that you have to make but please do not send my mother to this individual who has no connection or real interest in our people, you, or my mother's survival. With the decision to sell the County Home to this and only bidder, I see nightmare written all over my mother's care once again. Please act as responsibly as you always have in taking care of all those like my Mom and my Dad who have worked so hard, giving so much, and now are so vulnerable and who in the history of what they have done for this County are so much more than the bottom line. I thank you again for your time, and I ask you again, to please vote no on this resolution tonight. Stop and please take your time with more facts to make the right decision for everyone. Thank you.

My name is Shelia Webster and I am here tonight representing the Chautauqua County Chamber of Commerce and the Manufacturing Association of the Southern Tier. It is no secret that the organizations I represent, have been strongly in favor in a very public way of encouraging the Legislature to vote for the sale of the County Home. We see it on a couple of different levels in our organizations and what we are looking at is the bottom line for the taxpayer. We are looking at private enterprise versus public operation and from our perspective as an organization what we feel like very strongly is that the time is right for the County Home to be privatized. All due respect to the employees who work there and I am sure that they do an outstanding job, our goal is not to eliminate jobs and our goal is not to shut down the Home. As a matter of fact, one of our concerns is that if the County Home is not sold, will it have to shut down anyway. Will it be forced at some point? Let's take action as a County before we get to that point so that those jobs can be preserved, the facility can be preserved, and the care of the patients there can be preserved. I live in the Jamestown area and on a personal note, my only experience with having elderly family members or friends in any kind of home facility has been in privately operated facilities. I have to tell you that they have gotten excellent care in privately operated facilities. I will also say that in terms of taxpayer subsidization of the County Home, if my tax dollars are going to help subsidize the County Home, my family will never use it. Most people in the Jamestown area will never use it because we have access to so many other facilities that are privately operated. The County Home is an outmoded idea. The County Home was formed a very long time ago to take care of the indigent in the County who could not afford to take care of themselves. The circumstances have changed in 100 years and why are we not willing to

change with the circumstances. The way reimbursements are at this point, it's simply makes more sense the way the medical reimbursements are managed. It makes more sense for that facility to be privately run.

Chairman Gould: Would you wind it up please.

Ms. Webster: Yes I would. I thank you and I would like you to really seriously consider all of the taxpayers of Chautauqua County as you make your vote tonight.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing no one, we will now close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 1/2/13

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COMMENDATION: MCKENZIE CASS & JACOB CALDWELL  
BY  
LEGISLATOR ERLANDSON  
AND  
LEGISLATOR HERRIGAN

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COMMUNICATIONS:

1. Letter – Resignation – District 19 –Certificate to Fill Vacancy/Certificate of Acceptance - Legislator Gould
2. Letters (13) – County Executive - Apptmts. to Various Bds & Commissions
3. Annual Report – Finance – Re: Aaron Putnam Fund for the Blind
4. Letter – Chmn. Gould/Minority Leader – Apptmt. of Financial Analyst/Deas
5. Report – Finance Director - December 2012 Investment Report
6. Memos/Contract – County Attorney Abdella – Sale of County Home
7. Memo – NYS Dept. of Taxation & Fn. – Re: 2013 County Apportionment
8. Email – NYSAC – Summary of New Gun Control Law
9. Letter – CCIDA – Re: Clarification of PILOT to Altitude Health Systems
10. Letter – Water Quality Task Force – Re: Practices for Treating & Disposing of Wastewater Associated w/ Drilling for Natural Gas
11. Letter – Dept. of Health & Human Servs./Office of Inspector General – Re: Federal Audit
12. Highlights – NYS Fish, Wildlife, & Marine Resources – Oct./Nov. 2012
13. Letter – NYS Dept. of Enviro. Conservation – Re: Dissolving of Region 9 Forest Practice Board
14. Letter – NYS Sheriffs' Assn. – Re: Jail Inmate Phone Service
15. Letter – Labella – Re: 2012-2013 Local Gov't. Efficiency Grant Prgm.
16. Res. – Tioga County Legislature – Re: Compensate for State Mandated District Attorney's Salaries
17. Report – 2012 Weights & Measures Annual Report

Chairman Gould: I would like to have communications number 9 read.

Legislator Croscut: I would like number 10 read.

Clerk Tampio: Item number 9 is a letter from the Chautauqua County Industrial Development Agency. Addressed to Gregory Edwards, County Executive, dated January 18, 2013 and with a copy to Jay Gould.

Dear Greg, This letter is being sent to you to clarify any misconception that a Payment in Lieu of Taxes (PILOT) might be part of the purchase of the County Home by Altitude Health Systems. I can assure you that there has never been as much as a discussion with any entity regarding a PILOT for the purchase of the County Home, nor will there be. Regards, Bill – William J. Daly.

Item number 10 is a communication received in the office and addressed to Chairman Gould from the Chautauqua County Water Quality Task Force, dated January 18, 2013.

Dear Chairman Gould: - Through a series of recent correspondences from both the private citizens and County Legislators, I have been approached regarding issues related to current and proposed practices for treating and disposing of wastewater associated with drilling for natural gas. As you may know, Water Quality Task Force (WQTF) has utilized subcommittees to respond to the NYS Department of Environmental Conservation (DEC) documents with respect to siting, permitting and regulating high-volume hydraulic fracturing (HVHF) and horizontal drilling in 2008, 2009, 2011, and 2012. Our County is uniquely positioned to address this issue. Not only did commercial gas drilling begin in Chautauqua County, but we also have the most traditional vertical gas wells of any county in the State.

I was asked whether the County should consider a ban on accepting drilling wastewater at municipal sewage treatment plants and a similar ban that would prohibit the common practice of "road-spreading" gas well brined for dust control and as a de-icing agent. I brought the issue before the WQTF at our meeting on 1/16/13. At this time we are taking no action regarding the treatment of drilling wastewater at municipal sewage treatment plants. DEC has outlined their proposed permitting requirements for treating HVHF wastewater at those plants, which includes a "headworks analysis". That analysis must demonstrate that they can treat the wastewater without violating their discharge permit before DEC would allow it. With regard to the road spreading issue:

1. WQTF and the Chautauqua County Environmental Management Council (EMC) will research potential contaminants in gas drilling wastewater and potential impacts on human and environmental health as a result of roadspreading. This is a practice DEC has permitted for many years under the Department's Beneficial Use Determination (BUD) Solid Waste Disposal program. Roadspreading is common in Chautauqua County and the surrounding area. Despite repeated requests in WQTF's HVHF comments, DEC has not disclosed the result of any objective monitoring they've conducted or contracted to verify that the practice has no adverse impacts on human or environmental health.
2. We will contact Senator Young and ask her to request that DEC provide data or data analysis of any water quality monitoring that has been done regarding the chemical characterization of production brine, the roadspreading of that brine, and adherence to application guidelines since that activity had been permitted under the Department's BUD program.

Based on the information gathered as outlined in the steps above, we will report back to the County Legislature and propose recommendations on proceeding with the local controls on the practice of gas well brine roadspreading. I am available to answer any questions the Legislature may have regarding this topic. Sincerely Dave Wilson, Chairman of the WQTF.

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MOTION: (On file w/ 1/23/13 Leg. Data)

1-13 Proclaiming February Black History Month – Unanimously Adopted

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RES. NO. 6-13

Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District Board

By Public Facilities 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 Soil and Water Conservation District Board:

Legislative Representatives

Fred Croscut  
7804 Freeman Rd.  
Sherman, N.Y. 14781  
Term Expires: 1/31/14

Shaun Heenan  
89 Seel Acres  
Dunkirk, N.Y. 14048  
Term Expires: 2/28/14

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – January 23, 2013

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RES. NO. 7-13  
Confirm Appointment - Chautauqua County Airport 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 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 Airport Commission.

John Churchill  
3230 Chautauqua Ave.  
Ashville, N.Y. 14710

Filling Term of Sam Arcadipane  
Term Expires: 12/31/13

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – January 23, 2013

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RES. NO. 8-13  
Confirm Re-Appointment - Chautauqua County Ethics Board

By Administrative 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 Ethics Board.

Mary Kay Szwejbka  
22 Castile Dr.  
Fredonia, N.Y. 14063  
Term Expires: 1/31/16

Signed: Scudder

Unanimously Adopted – January 23, 2013

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RES. NO. 9-13

Confirm Re-Appointments - Chautauqua County Historian's Advisory Board

By Administrative Services 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 it be

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Historian's Advisory Commission.

Paul Benson  
75 E. Chautauqua St.  
Mayville, N.Y. 14757  
Term Expires: 12/31/15

Joni Blackman  
1165 Cornish Hill Rd.  
Bear Lake, PA 16402  
Term Expires: 12/31/15

Traci Langworthy  
51 Pleasantview Drive  
Jamestown, N.Y. 14710  
Term Expires: 12/31/15

Andrew Nixon  
107 Hotchkiss St.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/15

Peter Smith  
5131 Sherman-Mayville Rd.  
Mayville, N.Y. 14757  
Term Expires: 12/31/15

Signed: Scudder

Unanimously Adopted – January 23, 2013

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RES. NO. 10-13

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

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Re-Appointments: - 1<sup>st</sup> Battalion

Lawrence Barter 9 Pine Drive Fredonia, N.Y. 14063 Term Expires: 1/31/14	Brian Puroil 3681 New Road Dunkirk, N.Y. 14048 Term Expires: 1/31/14	Bruce Hagmier* 10056 Prospect Rd. Forestville, N.Y. 14062 Term Expires: 1/31/14
Steve Lehnen 9791 Rt. 60 Fredonia, N.Y. 14063 Term Expires: 1/31/14	Allen G. Parker 8562 Shumla Rd. Cassadaga, N.Y. 14718 Term Expires: 1/31/14	John Burke, Alternate* 7337 Bowen Rd. Stockton, N.Y. 14784 Term Expires: 1/31/14

Re-Appointments – 2<sup>nd</sup> Battalion

Al Akin PO Box 1 Chautauqua, N.Y. 14722 Term Expires: 1/31/14	Scott Cummings PO Box 234 Mayville, N.Y. 14757 Term Expires: 1/31/14	Matthew Oehlbeck PO Box 352 Sherman, N.Y. 14781 Term Expires: 1/31/14
Ronald H. Trippy 6755 S. Portage Road Westfield, N.Y. 14787 Term Expires: 1/31/14	Mark Smith 9473 East Main Rd. Ripley, N.Y. 14775 Term Expires: 1/31/14	

Re-Appointments - 3<sup>rd</sup> Battalion

Randy Shampoe PO Box 173 Clymer, N.Y. 14724 Term Expires: 1/31/14	Jackson Knowlton 2141 Shadyside Road Lakewood, N.Y. 14750 Term Expires: 1/31/14	Ronald Johnson 1265 Norby Road Jamestown, N.Y. 14701 Term Expires: 1/31/14
Sam Salemmé 217 Dearing Ave. Jamestown, N.Y. 14701 Term Expires: 1/31/14	Chet Harvey, Alternate 27 Vinnie St. Jamestown, N.Y. 14701 Term Expires: 1/31/14	Scott F. Bailey 29 Melvin Ave. Celoron, N.Y. 14720 Term Expires: 1/31/14

4<sup>th</sup> Battalion – Reappointments:

Peter Samuelson 4696 Maple Grove Rd. Bemus Point, N.Y. 14712 Term Expires: 1/31/14	Bradley Rodgers 8817 Rt. 242 Little Valley, N.Y. 14755 Term Expires: 1/31/14	James A. Shephard 3669 Crestview Dr. Bemus Point, N.Y. 14712 Term Expires: 1/31/14
Jim Bostaph* 7151 North Rd. Cherry Creek, N.Y. 14723 Term Expires: 1/31/14	Thomas C. Fairbanks P.O. Box 11 Gerry, N.Y. 14740 Term Expires: 1/31/14	Ryan Walker, Alternate* 4997 Main St. Bemus Point, N.Y. 14712 Term Expires: 1/31/14

Ex-Officio (non-voting) Members:

Dennis Barmore 2544 28 Creek Rd. Gerry, N.Y. 14740 Term Expires: 1/31/14	Trevor Butts 15 E. Chautauqua St. Mayville, N.Y. 14757 Term Expires: 1/31/14	Anthony Cavallaro 201 E. Main St. Falconer, N.Y. 14733 Term Expires: 1/31/14
Stephen Cobb 49 Gardner St. Fredonia, N.Y. 14063 Term Expires: 1/31/14	Richard Cole 69 Peerless St. Brocton, N.Y. 14716 Term Expires: 1/31/14	Anthony D. Faso 194 Liberty St. Fredonia, N.Y. 14063 Term Expires: 1/31/14

Robert Frank  
3213 Tarbox Rd.  
Cassadaga, N.Y. 14718  
Term Expires: 1/31/14

Sheriff Joseph Gerace  
15 E. Chautauqua St.  
Mayville, N.Y. 14757  
Term Expires: 1/31/14

Mike Gleason  
6524 Eiden Rd.  
Mayville, N.Y. 14757  
Term Expires: 1/31/14

John Griffith\*  
3659 Dean School Rd.  
Falconer, N.Y. 14733  
Term Expires: 1/31/14

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

Daniel T. Imfeld  
3944 Hillview Dr.  
Lakewood, N.Y. 14750  
Term Expires: 1/31/14

William Johnston  
401 Palmer St.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/14  
\*(indicates new appts.)

Steve McAninch  
24 Elm St.  
Mayville, N.Y. 14757  
Term Expires: 1/31/14

Charles L. Smith  
P.O. Box 22  
Lakewood, N.Y. 14750  
Term Expires: 1/31/14

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – January 23, 2013

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RES. NO. 11-13

Confirm Re-Appointment – STOP DWI Advisory 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-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 STOP-DWI Advisory Board:

William L. Ohnmeiss Jr.  
215 South Work St.  
Falconer, N.Y. 14733  
Term Expires: 1/31/16

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – January 23, 2013

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RES. NO. 12-13

Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, County Executive, Gregory J. Edwards, has submitted the following 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 Youth Board.

Miranda Warner                      Youth Representative  
 58 Washington St.                Position last held by Josh Lodestro  
 Westfield, N.Y. 14787  
 Term Expires: 12/31/15

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – January 23, 2013

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RES. NO. 13-13  
 Confirm Re-Appointments – Chautauqua County 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-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 Community Service Board:

Ellen Maternowski 1662 Shadyside Road Lakewood, N.Y. 14750 Term Expires: 12/31/14	Sylvia (Trusso) Emerling 451 South Main St. Jamestown, N.Y. 14701 Term Expires: 12/31/14
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Dolores Mitcham 952 Oak Hill Rd. Frewsburg, N.Y. 14738 Term Expires: 12/31/15	Anthony Raffa, Sr. 251 Ivy Street Jamestown, N.Y. 14701 Term Expires: 12/31/15
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Betsy Wright  
119 Sunset Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/15

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – January 23, 2013

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RES. NO. 14-13  
 Confirm Appointment - Chautauqua County Aging Advisory Board

By Human Services Committee:  
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Aging Advisory Council.

Tory Irgang  
155 Park St.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Position last held by Beth Oakes

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – January 23, 2013

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RES. NO. 15-13  
Confirm Re-Appointments - Chautauqua County Board of Health

By Human Services Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Health Board.

Mark Tarbrake  
3151 Oak Ridge Circle  
Jamestown, N.Y. 14701  
Term Expires: 12/31/18

Dr. John R. Tallett  
11 Beach Street  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/18

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – January 23, 2013

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RES. NO. 16-13  
Confirm Appointment – Chautauqua County Planning Board

By Planning & Economic Development 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 Planning Board:

John W. Frey II  
477 Orchard Rd.  
Jamestown, N.Y. 14701

Position last held by Paul Gavin  
Term Expires: 12/31/15

Signed: Croscut, Borrello, Ahlstrom, Rogers

Unanimously Adopted – January 23, 2013

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RES. NO. 17-13  
Confirm Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Sports Fishery Advisory Board.

Keith Sandy  
430 Crossman St.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/14

Position last held by Lisa Green

Signed: Croscut, Borrello, Ahlstrom, Rogers

Unanimously Adopted – January 23, 2013

RES. NO. 18-13

Authorize Agreement for Purchase and Removal of County Owned Timber from Properties #3 and #5  
on Irish Road in Town of Ripley and Property #1 on Meadows Road in the Town of Arkwright

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

WHEREAS, the County of Chautauqua solicited competitive bids to sell approximately 77,645 board feet of marked hardwood sawtimber located on County owned property in the Towns of Ripley and Arkwright, and designated on the Chautauqua County Tax Map for the Town of Ripley as Section 274 Block 1 Lot 18 (Reforestation Parcel #3) and Section 274 Block 1 Lot 18 (Reforestation Parcel #5), and in the Town of Arkwright as Section 167 Block 1 Lot 5.4 (Reforestation Land #1); and

WHEREAS seventy two (72) bid invitations were sent to reliable bidders and bids were received in response thereto; and

WHEREAS, LWF Excavating, 9292 Rt. 6 Tiona, PA 16352, submitted the highest bid for both Reforestation Parcel #3, with a bid in the amount \$32,419.00, and Reforestation Land #1, with a bid in the amount of \$16,278.00; and

WHEREAS, John Burkholder Sawmill, 7030 Kings Corner Rd. Panama, NY 14767, submitted the highest bid for Reforestation Parcel #5, with a bid in the amount of \$21,726; and

WHEREAS, the total sale amount payable to Chautauqua County is \$70,423.00; and

WHEREAS, it is appropriate to accept the bids submitted by LWF Excavating and John Burkholder Sawmill as the offered prices exceed the fair market appraisal; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with LWF Excavating and John Burkholder Sawmill for the sale and removal of saw timber on the above-noted properties at the above-stated prices, with proceeds placed in the Parks Capital account.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – January 23, 2013

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RES. NO. 19-13  
Adjust Accounts for the Replacement of Equipment

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

WHEREAS, the trade-in value of large equipment scheduled to be replaced was lower than expected; and

WHEREAS, funds realized from the sale of scrap steel generated from bridge replacement and cleaning the yard have generated a surplus, and

WHEREAS, additional funds are now needed to complete large equipment purchases in the capital budget; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2012 budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

DM.9950.-----9	Inter-fund Transfers – Transfer to Capital	\$83,000
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INCREASE REVENUE ACCOUNTS:

DM.5130.R265.0000	Sale of Property/Compensation-Sale of Scrap	\$41,000
DM.5130.R266.5000	Sale of Property/Compensation-Sale of Equipment	<u>\$42,000</u>
		<u>\$83,000</u>

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual – DPF Large Equipment	\$83,000
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Inter-fund Transfers – Inter-fund Transfer	\$83,000
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – January 23, 2013

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RES. NO. 20-13  
Amend and Close Various Parks Capital Accounts

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

WHEREAS, Resolution 157-07 transferred appropriations from two capital project accounts to the Parks Capital Account, but corresponding revenue accounts were not included; and

WHEREAS, once the appropriate budget amendments are made, Projects 642 Service Road Arkwright and 643 Boutwell Hill Parking Lot can be closed; and

WHEREAS, the Director of Public Facilities has notified the Department of Finance that projects 25846 County Parks Comprehensive Plan and 667 New Lean-Tos have been completed and Project 689 Storage Building Ashville is no longer necessary due to the sale of this facility and that these accounts can be closed; therefore be it

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

DECREASE CAPITAL REVENUE ACCOUNTS:

H.7110.642.R265.2000	Sale of Property/Comp - Sale of Forest Products	\$15,000
H.7110.643.R265.2000	Sale of Property/Comp - Sale of Forest Products	\$10,000

INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.513.R265.2000	Sale of Property/Comp - Sale of Forest Products	\$25,000
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; and be it further

RESOLVED, That the Director of Finance close out the two accounts listed above for any further expenditures as of the year ending December 31, 2012 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of account, any surplus or deficit be adjusted to deferred revenue for future parks capital projects or to the Reserve for Capital.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – January 23, 2013

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RES. NO. 21-13

Authorize Agreement with Town of North Harmony for 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 court security officers on designated court nights during the 2013 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2013 through December 31, 2013, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of \$27.64; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenues to be credited to revenue account A.1162.1110.R226.000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Borrello, Heenan, Himelein, DeJoe

Unanimously Adopted – January 23, 2013

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## RES. NO. 22-13

Approve Agreement with Grantmakers Advantage Inc. (U.S. Department of Homeland Security)

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

WHEREAS, the Chautauqua County Sheriff has received notice that the U.S. Department of Homeland Security has approved the application for the Port Security Grant; and

WHEREAS, Grantmakers Advantage Inc., as Fiduciary Agent for the U.S. Department of Homeland Security, will provide funding in the amount of \$542,490.00 for the period September 1, 2011 to August 31, 2013 with no local funds; and

WHEREAS, \$348,740 of the grant will be used to purchase a Police Interoperable Communications System; and

WHEREAS, \$193,750 of the grant will be used to purchase a portable RADAR/Thermal Imagery System; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized and empowered to execute the appropriate agreements for the U.S. Department of Homeland Security Port Security Grant Program in the amount of \$542,490.00.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe

Unanimously Adopted – January 23, 2013

## RES. NO. 23-13

Authorize County to Accept Indigent Legal Services Grant

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

WHEREAS, the Chautauqua County Office of the Public Defender has been awarded a grant by the New York State Office of Indigent Legal Services, with a funding level of \$269,919.00 for the operational period of June 1, 2012 through May 31, 2015; and

WHEREAS, the County of Chautauqua has participated in this program in the past and is desirous of accepting such grant; and

WHEREAS, such project funds will assist the County in providing improved quality of services under Article 18-B of the County Law; therefore be it

RESOLVED, That the County of Chautauqua hereby authorizes and approves the funding application and confirms acceptance of the funding of the grant for Aid to Indigent Legal Services for the period of June 1, 2012 through May 31, 2015, in the amount of \$269,919.00; and be it further

RESOLVED, That the County Executive be and hereby is authorized to sign any and all contract documents to confirm the application and acceptance and receipt of such grant; and be it further

RESOLVED, That a certified copy of this resolution be forwarded to the New York State Office of Indigent Legal Services.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Nazzaro, Borrello, DeJoe, Heenan, Himelein –  
(A.C. Runkle voting “no”)

Unanimously Adopted – January 23, 2013

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RES. NO. 24-13  
Increase Budget Accounts for HUD Lead Hazard Control Grant

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

WHEREAS, the Chautauqua County Department of Health has received a time extension to 06/30/13 for completion of the HUD Lead Hazard Control grant NYLHB0451-09 (lead-based paint remediation); and

WHEREAS, no funds were appropriated for 2013 contractual grant expenses; therefore be it

RESOLVED, That the Director of Finance be and hereby is directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4189.LEAD.4	Contractual – Other Public Health (Lead)	\$900,000
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ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R448.9HUD	Federal Aid – HUD Lead	\$900,000
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Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James, Runkle, Nazzaro, Borrello, Heenan, Himelein, DeJoe

Unanimously Adopted – January 23, 2013

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RES. NO. 25-13  
Environmental Assessment and Approval of Funding of Projects for 2013 2% Occupancy Tax  
Projects

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 169-12 that the Chautauqua County Department of Planning & Economic Development (CCPED) conduct a New York State Environmental Quality Review (SEQR) for the projects ranked numbers 1 – 6 recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature; and

WHEREAS, CCPED and the various involved agencies have reviewed the projects consistent with SEQRA and applicable state regulations; and

WHEREAS, the CCPED recommends that the project ranked as number 4 on the Waterways Panel list be classified as a Type II Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation and does not require additional environmental review; and

WHEREAS, the CCPED recommends that the projects that are ranked as numbers 1, 2, 3, 5, and 6 on the Waterways Panel list be classified as Unlisted under 6 N.Y.C.R.R. 617.2 of the Environmental Conservation Law and do not require additional environmental review; and

WHEREAS, the County has caused the attached Short Environmental Assessment Forms (SEAF) to be prepared for all projects recommended to be classified as Unlisted Actions; and

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

RESOLVED, That the County hereby finds and determines that Actions listed and identified below as numbers 1-6 will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That project numbers 1 through 6 are hereby awarded the amounts as set forth by the Waterways Panels list of ranked and prioritized projects out of the 2% Occupancy tax in the 2013 County Budget.

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amt. Req.</b>	<b>Amount Recomm.</b>
28 Mile Creek /Chautauqua County Soil and Water Conservation District	1	\$29,500.00	\$29,500.00
Dewittville Walleye /Chautauqua County Soil and Water Conservation District	2	\$40,000.00	\$40,000.00
Silver Creek Streambank Stabilization /Village of Silver Creek	3	\$39,320.00	\$39,320.00
Ellery Johnson Road /Town of Ellery	4	\$10,600.00	\$10,600.00
Chautauqua Marina Shoreline Protection /Chautauqua Lake Marina, Inc.	5	\$32,000.00	\$32,000.00
Bear Lake Weed Control /Bear Lake Association	6	\$ 5,000.00	\$ 5,000.00

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan, Runkle, Nazzaro, Himelein

Unanimously Adopted – January 23, 2013

RES. NO. 26-13

Authorizing the South & Center Chautauqua Lake Sewer Districts to Obtain Engineering Report with Respect to the Cost of a Pipeline Transmitting Wastewater Generated in the Chautauqua Lake Basin to the Districts' Treatment Plant in Celoron

At the Request of: County Executive Gregory J. Edwards, Legislator's Himelein, Erlandson, and Horrigan

WHEREAS, state and federal regulatory agencies have issued phosphorus removal criteria which will cause substantial costs to wastewater treatment plants discharging into Chautauqua Lake, and

WHEREAS, only five percent (5%) of the discharge of the Wastewater Treatment Plant (hereinafter referred to as *Plant*) of the South and Center Chautauqua Lake Sewer Districts hereinafter referred to as *Districts*) is identified by such criteria to affect Chautauqua Lake, and

WHEREAS, the Plant of the Districts has substantial excess capacity, and

WHEREAS, the transportation of wastewater collected in the Chautauqua Lake Basin for treatment at the Plant may be the most cost-effective solution for compliance with phosphorus regulatory requirements by other generators of sewage in the Lake Basin, thereby improving the quality of Chautauqua Lake and benefiting property owners within the Districts; and

WHEREAS, the administrative body of the Districts (hereinafter referred to as *Districts' Board*) has solicited proposals for an engineering study (hereinafter referred to as *Study*) to determine the nature and cost of such pipeline, and

WHEREAS, the entry into a contract for such study is not within the scope of projects and the operation thereof currently under the authority of the Districts' Board and therefore requires the approval of the Chautauqua County Legislature, therefore be it,

RESOLVED, That the Districts' Board is authorized to enter into a contract with GHD Consulting Services, Inc. in the amount of Three Thousand Four Hundred Dollars (\$3,400) to perform the Study, and be it further

RESOLVED, That the Chairman of the Districts is authorized to execute such contract, and be it further

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

Signed: Himelein

Unanimously Adopted – January 23, 2013

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RES. NO. 27-13

Requesting Amendment of State Legislation Regarding Imposition of Occupancy Tax

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards, Legislator Keith Ahlstrom, and Legislator Fred Croscut:

WHEREAS, pursuant to Chapters 405 and 686 of the Laws of 2007, Chapter 130 of the Laws of 2009, and Chapter 142 of the Laws of 2011 adopted by the New York State Legislature, the County was authorized to impose a 5% occupancy tax for the period of December 1, 2007 through November 30, 2013, with three-fifths of the net collections dedicated to the promotion of tourism and two-fifths of the net collections to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, it is desirable to continue a dedicated occupancy tax for the promotion of tourism and the enhancement of the lakes and streams of Chautauqua County at no expense to County property taxpayers; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Section 1202-j of the New York State Tax Law and any other applicable law to

continue the County of Chautauqua's authorization to impose an occupancy of tax of 5% subject to the same requirements in Chapters 405 and 686 of the Laws of 2007, to take effect December 1, 2013 and continuing through November 30, 2015; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator Catharine Young and Assemblyman Andrew Goodell.

Signed: Croscut, Borrello, Ahlstrom, Rogers

Unanimously Adopted – January 23, 2013

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RES. NO. 28-13  
Amend 2013 Budget to Include Additional IGT Matching Funds

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

WHEREAS, county-owned nursing homes such as the Chautauqua County Home can qualify for a match of federal funds expected to be no less than 50% through the Intergovernmental Transfer (IGT) program; and

WHEREAS, the County must provide a local share contribution separate and apart from County Home operating revenues in order to qualify for the IGT match; and

WHEREAS, the Chautauqua County Home is currently sustaining substantial losses and it is desirable for the County to maximize available resources to offset a portion of the current deficit by using both local share and IGT matching funds; therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$692,878
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and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2013 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6102.----.4	Contractual – Medical Assistance MMIS	\$692,878
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INCREASE REVENUE ACCOUNT:

EH.4530.REV.R3020.3300	Intergovernmental Transfer – Medicaid IGT	\$1,509,939
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Signed: Tarbrake, Hemmer, Hoyer, James, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein (H.S. – Horrigan voting "no")

Adopted w/ Legislator Nazzaro voting "no" – January 23, 2013

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RES. NO. 29-13  
Legislative Intent Regarding Potential Proceeds of Sale of Chautauqua County Home

By Audit & Control Committee:  
At the Request of Legislator John Runkle, Legislator Chuck Nazzaro, and Legislator DeJoe:

WHEREAS, the Chautauqua County Legislature is considering legislation regarding the potential sale of the Chautauqua County Home that could produce a large one-time revenue; and

WHEREAS, Paragraph D of Section II of the Financial Management Policy for Chautauqua County states as follows:

The County of Chautauqua's definition of a structurally balanced budget is a budget that finances recurring appropriations with recurring revenues. A key component to maintaining stable taxation and fund balances is to limit the use of one-time revenues in the funding of recurring operations. It is the intent of this policy to attain structurally balanced budgets and to reduce the tax burden on the people of Chautauqua County; and

WHEREAS, pursuant to Section 6-e of New York State General Municipal Law (GML 6-e), the County is authorized to place monies in a contingency and tax stabilization reserve fund to finance unanticipated revenue losses, unanticipated expenditures, and to lessen or prevent projected real property tax levy increases in excess of 2.5%; and

WHEREAS, the purpose of the GML 6-e "rainy day fund" is to limit the use of monies placed in the fund to financing unanticipated emergencies and to the lessening of future tax increases, but prohibits use of the fund to produce tax cuts or to lower tax increases under 2.5% that may be structurally unsustainable; and

WHEREAS, pursuant to Section 6-h of GML, the County is also authorized to place monies in a reserve fund for payment of bonded indebtedness, which limits the use of such funds to pay-down of the County's debt, and thereby can produce a permanent structural reduction in the County's existing debt service obligation in the annual budget; therefore be it

RESOLVED, That as part of a strategy to attain a structurally balanced budget as defined in the Financial Management Policy for Chautauqua County, it is the intent of the Chautauqua County Legislature that all net proceeds from the sale of the Chautauqua County Home be placed in a contingency and tax stabilization reserve fund (GML 6-e) and/or a reserve fund for payment of bonded indebtedness (GML 6-h).

Signed: Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Adopted – R/C Vote: 23 Yes; 2 No (No's: Ahlstrom, Coughlin) – January 23, 2013

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RES. NO. 30-13  
Authorizing Contract for Sale of the Chautauqua County Home to Altitude Health Systems, Inc. and  
its Corporate Designees/Affiliates

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

WHEREAS, the 2013 tentative budget projects a \$3.3 million operating deficit for the Chautauqua County Home ("the County Home") which would be offset by continuing IGT and County taxpayer subsidies; and

WHEREAS, because of the current fiscal climate which exists within the County, State, and United States, as well as the continued burden of unfunded mandates coupled with New York State's mandated 2% tax cap, Chautauqua County can no longer sustain and afford a \$3.3 million operating deficit at the County Home; and

WHEREAS, pursuant to Resolution 225-11, the marketing firm of Marcus and Millichap was selected to seek proposals for the potential sale, lease, or other disposition of the County Home; and

WHEREAS, in response to a request for proposals ("RFP") issued on behalf of the County by Marcus and Millichap, two proposals were received that met the required criteria set forth in the RFP; and

WHEREAS, pursuant to Resolution 189-12, the County Legislature selected one of the two proposals received by Marcus & Millichap, and requested the County Executive to negotiate a contract for sale of the County Home with Altitude Health Services, Inc. for a lump sum of \$16.5 million; and

WHEREAS, a proposed contract has been prepared and presented to the County Legislature for sale of the County Home ("the Action") to the corporate designees or affiliates of Altitude Health Services, Inc. ("the Purchaser"), including but not limited to, conveyance of all of the real property, buildings, equipment, furnishings, and other personal property (collectively "the Property," and being known as tax parcel 95.02-1-15 on the Chautauqua County Tax Map); and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared; and

WHEREAS, the County has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and accordingly does not require a coordinated review; and

WHEREAS, the County has reviewed the EAF, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the Action entails merely the transfer to the Purchaser of the ownership of an existing operating facility and associated property with no change to the environment or facility operations, such that the Action will not result in an adverse impact to the Property, will not adversely affect any water body designed as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse effect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, there will be no adverse impact from the Action or on the growth and character of the community or neighborhood, and the Action will not exceed any of the criteria in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact in accordance with the New York

State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 215 of the New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find that due to the current fiscal challenges facing County government, including the continued strain of unfunded mandates and the continued projected financial losses at the County Home, and given the proven capability of the private sector to operate high quality skilled nursing facilities, it is no longer in the best interest of the County to own, operate, or maintain the County Home, and the Property is surplus and no longer necessary for public use; and be it further

RESOLVED, That the County Executive is authorized to execute a contract of sale for conveyance of the Property to the Purchaser for a purchase price of \$16.5 million in substantially the form attached hereto, subject to finalization and approval by the County Attorney; and be it further

RESOLVED, That the County Executive is authorized to execute all deeds, bills of sale, asset transfer documents, and all other documents necessary to accomplish the complete sale of the Property.

Signed: Tarbrake, Horrigan, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Himelein (H.S. James voting "no") – (A.C. – Heenan voting "no")

Defeated – R/C Vote: 16 Yes; 9 No (Super Majority Needed to Pass) – (No's: Ahlstrom, Cornell, Coughlin, DeJoe, Duff, Heenan, Hoyer, Scudder, Whitney) – January 23, 2013

\*\*\*\*Included are the Memo's relating to the Contract and the Contract itself\*\*\*\*

#### MEMORANDUM

**TO:** County Executive Gregory J. Edwards  
County Legislators

**FROM:** Stephen M. Abdella, County Attorney

**DATE:** January 11, 2013

**RE:** Proposed contract for sale of the County Home

---

Attached with this memorandum is the current draft contract of sale of the County Home to Altitude Health Systems, Inc. (the William Rothner proposal). Technical corrections are still being made to the draft, including pagination. To assist your review, here is a summary of the highlights:

1. Closing Date (Section 4, page 3) – to occur within 30 days after the receipt by the purchaser of an approval letter and certificate of need (CON) from the NYS Department of Health, but no later than 2 years after execution of the contract.
2. Purchase Price (Section 5, page 3) – \$16.5 million, with total escrow deposit of \$1.65 million after execution of the contract.

3. Due Diligence (Section 8, page 5) – the purchaser will have a due diligence period of 60 days after the execution of the contract to perform appraisals and environmental/property condition reviews, and a due diligence period of 45 days after receipt of County Home documents for document reviews. After expiration of the due diligence periods, the Purchaser will not have a right to terminate based on the due diligence review.
4. AS IS-WHERE IS (Sections 14 and 15, pages 15 and 16) – the purchaser accepts the property in its present "AS IS-WHERE IS" condition and the County makes no warranty as to the physical condition or suitability of the property.
5. Employees (Section 22, page 23) – the purchaser shall hire (without pay cuts) those union employees who file an application and pass a basic background check, and such employees will receive a benefit package similar to the existing benefits. The purchaser shall pay and/or honor all accrued paid time off balances.
6. 10 Year Commitment (Section 26, page 25) – the purchaser agrees to operate the property with at least 200 skilled nursing beds for 10 years from the closing date. A failure to meet this commitment is subject to a penalty of \$1,000 per day and is personally guaranteed by William Rothner and Altitude Health Systems, Inc. in Section 31 on page 30.
7. Preferred Admissions for County Residents and 80% County Resident Threshold (Section 26, page 25) – the purchaser will give preferred admissions for County residents for open beds, and not accept an out-of-County resident if it will cause the number of County residents to decrease below 80% of the overall number of County Home residents. The County is entitled to a court injunction and/or specific performance for enforcement of this obligation in Section 31 on page 30.
8. Right of Current Residents to Remain (Section 26, page 25) – all current residents shall have the right to remain so long as there is a payment source for such residents. The County is entitled to a court injunction and/or specific performance for enforcement of this obligation in Section 31 on page 30.

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**MEMORANDUM**

**TO:** County Executive Gregory J. Edwards  
County Legislators

**FROM:** Stephen M. Abdella, County Attorney

**DATE:** January 16, 2013

**RE:** Clarifications to proposed contract for sale of the County Home

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The additional two phrases underlined below in Section 22 had been negotiated but were not included in the draft sent out to you last week.

The first underlined phrase was added to make it clear that both union and non-union retained employees will be hired without pay cuts and with a benefit package similar to existing benefits.

The second underlined phrase was added to make it clear that although retained employees will be hired without pay cuts and receive a benefit package similar to existing benefits, the new operator will not be bound by the existing union collective bargaining agreement.

22. EMPLOYEES.

a. *Seller shall terminate the employment of all employees providing services at the Facility (the "Current Employees") as of the Closing Date and to avoid any interruption of services at the Facility, New Operator shall hire those union employees who have previously filed an application and passed a basic background check ("Approved Union Employees"), without pay cuts and with a benefit package similar to the existing benefits. New Operator shall rehire on the Closing Date non-union Current Employees in at least sufficient numbers and at wages and benefits sufficient to avoid the applicability of the Workers Adjustment and Retaining Notification Act, 29 U.S.C. § 2101, without pay cuts and with a benefit package similar to the existing benefits (approved Union employees and the hired non-union employees shall be the "Retained Employees"). New Operator shall not be bound by or assume any employment contracts or union contracts to which Seller may be a party.*

Contract:

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**ASSET PURCHASE AGREEMENT**

by and among

**CHAUTAUQUA COUNTY,**  
as Seller,

**[CHAUTAUQUA PROPERTY], LLC,**  
as Purchaser,

and

**[CHAUTAUQUA NURSING AND REHABILITATION CENTER], LLC,**  
as New Operator

January \_\_, 2013

**Chautauqua County Nursing Home**  
**10836 Temple Road**  
**Dunkirk, NY 14048**

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## ASSET PURCHASE AGREEMENT

**THIS ASSET PURCHASE AGREEMENT** (this "**Agreement**") is made and entered into as of this \_\_\_\_ day of January, 2013 (the "**Effective Date**") by and between CHAUTAUQUA COUNTY, a duly constituted county of the State of New York, as seller ("**Seller**"), [CHAUTAUQUA PROPERTY], LLC, a New York limited liability company, as Purchaser ("**Purchaser**"), and [CHAUTAUQUA NURSING AND REHABILITATION CENTER], LLC, a New York limited liability company, as New Operator ("**New Operator**").

### RECITALS

A. Seller owns that certain 216 bed skilled nursing facility commonly known as Chautauqua County Nursing Home, 10836 Temple Road, Dunkirk, NY 14048 (the "**Facility**"), the approximately 30 acres of land on which the Facility is located, including all easements, hereditaments, privileges and appurtenances appurtenant to the Land and belonging to Seller, which are legally described on **Exhibit A**, attached hereto and made a part hereof (collectively, the "**Land**"), the buildings and improvements located on the Land, including the Facility, patios, courtyards, fences, parking areas and storage structures (the "**Improvements**") and the furniture, fixtures, equipment and systems located in the Improvements or used in connection with the operation of the Facility (the "**FF&E**").

B. Seller desires to sell and transfer the Property (as defined and described in detail in Section 2) to Purchaser and New Operator, and Purchaser and New Operator desire to purchase the Property from the Seller.

C. In order to ensure a smooth transition of the business from Seller to New Operator, **Seller** agrees to cooperate with New Operator and New Operator agrees to cooperate with Seller to effect an orderly transfer of the operation of the Facility.

### AGREEMENT

**NOW, THEREFORE**, in consideration of the purchase price and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound hereby, agree as follows:

**1. PURCHASE AND SALE.** *On the terms and conditions set forth herein, Seller shall sell, assign, transfer, convey and deliver the Real Property to Purchaser on the Closing Date and Purchaser shall purchase the Real Property from Seller. On the terms and conditions set forth herein, Seller shall sell, assign, transfer, convey and deliver the Personal Property and Intangible Property to New Operator on the Closing Date and New Operator shall purchase the Personal Property and Intangible Property from Seller.*

**2. THE PROPERTY.**

a. **Real Property.** The real property being sold by Seller and purchased by Purchaser hereunder shall consist of: (i) the Land, (ii) the Improvements, (iii) the FF&E; and (iv) all other structures and improvements on the Land (the "Real Property").

b. **Personal Property.** The personal property being sold and transferred by Seller to Purchaser and purchased or transferred to Purchaser from Seller shall consist of the following: all supplies, inventories, appliances, tools, vehicles, medical apparatuses,

ventilator units, computer hardware, computer software, computer switches and servers, telephones and telephone systems, marketing and promotional materials relating to the Facility, non-proprietary stationery, kitchen equipment, patient or resident room furnishings, food, bed linens, housekeeping supplies and other tangible property and assets (except for FF&E) that are located on the Real Property or utilized in connection with the owning, operating or managing the Facility, but specifically excluding all personal property owned by residents of the Facility (the "**Personal Property**").

c. **Intangible Property.** The intangible property being assigned, set over and transferred by Seller to New Operator shall consist of the following:

i. Seller's rights in the written contracts, agreements, commitments, leases, software licenses, purchase orders and other arrangements which New Operator assumes per the terms of this agreement, and all existing agreements with residents and any guarantors thereof.

ii. To the extent assignable by Seller, all licenses, permits (including, without limitation, any special use permits from the Town of Dunkirk, New York and licenses issued by the New York Department of Health ("**NYDOH**"), certificates of need, accreditations, Medicaid and Medicare contracts (provider agreements) and certificates of occupancy issued by any federal, state, municipal or local governmental authority relating to the use, maintenance or operation of the Facility running to or in favor of Seller ("**Assumed Licenses**").

iii. All other non-tangible property used in connection with the operation of the Facility, including, but not limited to: (A) all telephone numbers presently in use at the Facility, all telephone listings and any website domain names or any derivation thereof; (B) all books, files and records of the operation of the Facility, including (I) any medical records (whether stored at the Facility or off-site), but solely to the extent that such charts, records and lists can legally be transferred to New Operator and (II) to the extent legally transferable, either the originals or full and complete copies of all employee records for all Retained Employees in its possession (including all employee employment applications, W-4's, I-9's and any disciplinary reports) (the "**Employee Records**", and collectively with those items in (I), the "**Records**"); (C) the name of the Facility and all other trade names, trademarks, service marks, internet domain names, designs, logos, slogans and general intangibles associated with the Facility and all the goodwill symbolized and associated with them; (D) any third party warranties or guaranties associated with the Real Property or Personal Property, to the extent assignable; (E) the rights of Seller under any provider agreements with any private third-party payor programs (excluding the right to any payments, reimbursement and/or recoupment accrued on or before the Closing Date), to the extent assignable; (F) all policy and procedure manuals regarding the Facility; (G) all site plans, surveys, plans and specifications, construction bids, and floor plans in the possession of Seller and which relate to the Real Property; and (H) the business and the goodwill associated with the business and the reputation of the Facility (collectively, along with the Assumed Contracts and Assumed Licenses, the "**Intangible Property**").

Collectively, the Real Property, Personal Property and Intangible Property shall constitute the "**Property**".

**3. EXCLUDED PROPERTY.** Notwithstanding those items set forth in Section 2 above, the following shall be excluded from the sale by Seller to Purchaser and New Operator hereunder (the "**Excluded Property**"): (a) cash and cash equivalents, short-term investments and third party payor settlements, (b) Seller's rights under this Agreement and the agreements to be executed in connection therewith, (c) Seller's organizational documents, (d) personal property owned by residents of the Facility and not by Seller, (e) any confidential or proprietary information of Seller or any of their affiliates that is not primarily used or held in connection with the Facility, and (f) any accounts receivable, accounts payable or liabilities associated with the operation of the Facility prior to the Closing Date.

**4. CLOSING.** The closing of the purchase and sale pursuant to this Agreement (the "**Closing**") shall take place through a "New York style" escrow (the "**Closing Escrow**") to be established with a nationally recognized title company mutually agreed upon by the parties (the "**Title Company**") pursuant to escrow instructions that conform to the terms hereof on the first day of a calendar month to occur at least thirty (30) days after the issuance of an Approval Letter (defined below), but in no event later than two (2) years after the Effective Date unless mutually extended by the parties hereto (the "**Closing Date**"). All FF&E, Personal Property and Intangible Property shall be located at the Facility on the Closing Date. After the Closing, Purchaser shall be entitled to possession of the Property, subject to the possessory rights of the Facility residents. An "**Approval Letter**" is a letter issued by the NYDOH approving (i) Purchaser's Certificate of Need Application to operate the Facility with no less than 216 skilled nursing beds ("**Certificate of Need Application**") and (ii) the issuance of an operating certificate for the Facility ("**Operating Certificate**"), which Approval Letter shall be free of all conditions for the issuance of the Operating Certificate, except for the closing of the transactions contemplated by this Agreement.

**5. PURCHASE PRICE.**

a. **Purchase Price.** The purchase price payable by Purchaser to Seller for the Property is **SIXTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$16,500,000.00)** (the "**Purchase Price**") paid in immediately available funds, plus or minus the credits and proration set forth in this Agreement.

b. **Escrow Deposit.** Seller acknowledges receipt of a One Hundred Fifty Thousand Dollars (\$150,000.00) deposit (the "**Initial Escrow Deposit**"). Within five (5) business days of full execution of this Agreement, Purchaser shall deposit with the Title Company the additional amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) (the "**Additional Escrow Deposit**", and collectively with the Initial Escrow Deposit, the "Escrow Deposit"). The Additional Escrow Deposit shall be held in escrow by the Title Company, as escrow agent, per the terms of a strict joint order escrow agreement. The Escrow Deposit shall be credited to the Purchaser against the Purchase Price at Closing and transferred to the closing escrow for disbursement as provided herein.

c. **Allocation.** Purchaser and Seller shall use best efforts to allocate the Purchase Price among the real, personal and intangible property for tax purposes during the Due Diligence Period. Within ten (10) days of the Effective Date, Purchaser shall compile a list of suggested appraisers and deliver such list to Seller. Within seven (7) days of receipt, Seller and Purchaser shall use best efforts to determine a list of approved appraisers. From this list, the Purchaser shall order an appraisal of the Real Property, the cost of which shall be evenly divided between the parties. Purchaser may also obtain, at its own expense, appraisals of the Personal Property and Intangible Property. Based on the amount(s) allocated in the appraisal(s) to Real, Personal and Intangible Property, the parties shall agree upon an allocation of the Purchase Price for all tax purposes.

**6. COSTS AND CREDITS.**

a. **Transfer Taxes.** Seller shall pay on the Closing Date any state, county and local realty transfer taxes required as a result of the transfer of the Property hereunder to Purchaser, if any.

b. **Purchaser's Title Charges.** Purchaser shall be responsible for the cost of: (i) recording fees of the Warranty Deeds; (ii) the cost of any simultaneously issued Lender's Title Policies, provided, however, that in consideration for the Seller paying the cost of the Owner's Title Insurance premium, the Seller shall receive a credit at Closing in the amount of one-half (1/2) of the difference between the premium on the Owner's Title Insurance and the Lender's Title Policy if the Owner's Title Insurance has a higher cost than the Lender's Title Policy; (iii) the cost of recording fees for any Purchaser financing documents; and (iv) all of the Title Endorsements except extended coverage.

c. **Seller's Title and Survey Charges.** On the Closing Date Seller shall pay the cost of: (i) any fees for the title commitment and title premium for an Owner's Title Policy in the amount of the allocation of the Purchase Price to the Real Property per Section 5(c), with extended coverage; (ii) the Survey; and (iii) recording fees with respect to clearing public records of items that are Unpermitted Exceptions per Section 9(d) hereof.

d. **Attorney's Fees.** Each party hereto shall each pay their own attorney's and other professional fees.

e. **Escrow Fees.** Seller and Purchaser shall equally pay any Closing escrow fees, but Purchaser shall pay any money lender's escrow fees.

**7. PRORATIONS.** The following shall be prorated as of the Closing Date (so that the Purchaser and New Operator receive all of the benefits and revenues and is responsible for the expenses on the day after the Closing Date) and shall be settled by a credit or debit against the Purchase Price at the Closing:

a. **Real Estate Taxes.** Seller and Purchaser acknowledge that there shall be no proration for real estate or other ad valorem and special taxes affecting the Property.

b. **Operational Prorations.** Revenues and expenses pertaining to the Facility, utility charges for the billing period in which the Closing Date occurs, Assumed Contracts, utilities, prepaid income and expenses, bed taxes, security deposits, PTO, patient trust funds and other related items of revenue or expense attributable to the Facility shall be prorated between Seller and New Operator as of the Closing Date. All such prorations shall be made on the basis of actual days elapsed in the relevant accounting or revenue period and shall be based on the most recent information available to the parties hereto. Utility charges that are not metered and read on the Closing Date shall be estimated based on prior charges, and shall be re-prorated upon receipt of statements therefor. Except as otherwise set forth herein, all amounts owing from one party hereto to the other party hereto that require adjustment after the Closing Date shall be settled within thirty (30) days after the Closing Date or, in the event the information necessary for such adjustment is not available within said thirty (30) day period, as soon thereafter as possible.

## 8. DUE DILIGENCE

a. **Due Diligence.** In order to conduct Purchaser's due diligence review of the Property, including, without limitation, the physical condition, financial, legal, regulatory, business and operational matters concerning the Facility (the "**Due Diligence Review**"), the Purchaser shall have until 6:00 p.m. (Eastern) on the forty-fifth (45<sup>th</sup>) day after Seller's delivery of the due diligence items in its possession set forth on Exhibit B, except the third party reports to be ordered by Purchaser (e.g., Phase I, Appraisal, Property Condition Report), for which the period shall last until 6:00 p.m. (Eastern) on the sixtieth (60<sup>th</sup>) day after the full execution of this Agreement (the "**Due Diligence Period**"). Seller shall take such actions as the Purchaser or New Operator may reasonably request, including, but not limited to, permitting Purchaser, New Operator and their agents reasonable access to any information reasonably requested in connection with their due diligence. The Purchaser shall have the right, in its sole discretion, to terminate this Agreement, by written notice to Seller, at anytime on or before the end of the Due Diligence Period based on the Purchaser's dissatisfaction with the due diligence ("**Due Diligence Termination Notice**"), in which event Seller shall within two (2) business days direct the Title Company to refund the Initial Escrow Deposit or Escrow Deposit, as applicable, to Purchaser. In the event that Purchaser does not provide such Due Diligence Termination Notice on or before the end of the Due Diligence Period, this specific right of termination shall be itself terminated and, thereafter, Purchaser shall not have any right to terminate this Agreement based on the Due Diligence Review.

b. **Inspection of Property.** Purchaser and New Operator shall have the right to conduct, at their own expense, an inspection of the Real Property to determine, among other things, the condition and quality of the Facility. Subject to the provisions of this Agreement, Purchaser, New Operator, their contractors and/or agents, may enter the Property with reasonable notice to Seller, and after obtaining Seller's consent, which consent shall not be unreasonably withheld, for purposes of examining the terrain, access thereto and physical condition, conducting engineering or feasibility studies, conducting environmental surveys, conducting site analyses and make any test or inspection Purchaser or New Operator may deem necessary related to the Real Property. Until the Closing Date, Seller will provide Purchaser, New Operator and their representatives with reasonable access to the Real Property. Purchaser and Altitude Health Services, Inc. shall indemnify, defend and hold harmless Seller from and against any and all damages, costs, losses and expenses (including but not limited to, reasonable attorneys' fees) incurred by Seller by reason of any damage to the Facility or the Property or injury to persons caused by Purchaser, New Operator or their agents or contractors in exercising their rights hereunder.

## 9. TITLE AND SURVEY.

a. **Title Policy.** No later than seven (7) days from the Effective Date, Purchaser may order a commitment to issue an Owner's Title Insurance Policy ("**Title Commitment**") from the Title Company in the amount of the Purchase Price showing title to the Real Property in Seller. Seller shall pay the cost of the Title Commitment and the owner's title insurance policy with extended coverage in the amount of the allocation of the Purchase Price to the Real Property per Section 5(c) issued therefrom ("**Title Policy**"). Seller acknowledges that Purchaser intends on obtaining, at its own cost, the following title endorsements: contiguity (if there is more than one parcel), access, permanent tax index numbers (PIN), 8.1 environmental, survey, no violation of covenants or restrictions of record, 3.1 zoning with parking and any lender required endorsements ("**Title Endorsements**"). To the extent the issuance of the Title Endorsements require extra

materials, other than the Survey, Seller covenants to cooperate with Purchaser in obtaining these materials prior to the Closing.

b. **Survey.** Seller shall deliver to Purchaser at least seven (7) days from the Effective Date, any existing ALTA Surveys for the Real Property that Seller has in its possession. Prior to February 15, 2013, if Purchaser desires a further survey, Purchaser shall obtain at its sole expense a new ALTA Survey for the Real Property ("Survey") from a registered land surveyor in accordance with the latest ALTA/ACSM standards and Table A items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13, 14, 16 and 18, in form fully sufficient to satisfy Purchaser's lender and cause the Title Company: (i) to delete the standard printed survey exceptions; (ii) to issue the Title Policy free from any survey related objections or exceptions, whatsoever; and (iii) to issue 3.1 zoning endorsements with parking.

c. **Permitted Exceptions and Removable Exceptions.** The term "**Permitted Exceptions**" shall mean: (a) the liens of real estate taxes, water, rent and sewer charges that are not yet due and payable on the Closing Date; (b) matters disclosed by the Survey or the Title Commitment and accepted by Purchaser pursuant to the terms of this Agreement; and (c) the rights of residents in possession. The term "**Removable Exceptions**" shall mean title exceptions pertaining to liens or encumbrances of a definite or ascertainable amount that will be removed by the payment of money on the Closing Date.

d. **Correction of Title and Survey Defects.** If the Title Commitment discloses exceptions to title other than Permitted Exceptions and Removable Exceptions ("**Unpermitted Exceptions**") or the Survey discloses matters that, in the reasonable judgment of Purchaser, render the title of the Property uninsurable, unmarketable or unable to be financed ("**Survey Defects**"), Purchaser shall notify Seller within ten (10) days after receipt of both the Title Commitment and the Survey. After receipt of notice from Purchaser, Seller shall then have five (5) business days to notify Purchaser as to whether it intends to have such Unpermitted Exceptions removed from the Title Commitment, or to correct such Survey Defects or, with Purchaser's prior written approval at Closing, have the Title Company commit to insure over any Unpermitted Exception or Survey Defect. If Seller determine not to remove or correct any such Unpermitted Exceptions or Survey Defects, then Purchaser may elect upon written notice to Seller made within ten (10) business days after the expiration of the permitted time: (i) to terminate this Agreement by written notice to Seller (which shall be deemed a termination pursuant to Section 28(a)(i) of this Agreement) in which event the Escrow Deposit shall be returned to Purchaser; or (ii) to take the Property as it then is and deduct from the Purchase Price an amount up to Fifty Thousand Dollars (\$50,000) necessary to discharge such Unpermitted Exceptions that can be cured with a monetary payment.

#### 10. PRE-CLOSING COVENANTS.

a. **Seller's Covenants.** Seller hereby agrees and covenants that between the Effective Date and the Closing Date:

i. Seller will cooperate with Purchaser and New Operator to notify the NYDOH that there shall be a change in ownership at the Facility and to apply and receive the approval from NYDOH of Purchaser's Certificate of Need Application. Specifically, Seller agrees, promptly upon request by Purchaser or New Operator, to execute and assist in the completion of any applications, including

but not limited to Purchaser's Certificate of Need Application. Seller agrees to promptly provide or make available to Purchaser and New Operator, upon request and to the extent such documentation is within Seller's possession or control, any and all existing documentation requested by NYDOH or otherwise necessary for the issuance of the Approval Letter or Operating Certificate.

ii. Seller shall timely obtain any necessary third party consents for the valid conveyance, transfer, assignment or delivery of the Property to Purchaser per the terms of this Agreement and specifically agrees to provide reasonable cooperation to Purchaser and New Operator in connection with their efforts to obtain, enroll in or receive an assignment of any provider agreement or third party payor contract related to the Facility.

iii. Seller will not make any changes in the normal and ordinary operation of the Facility from the Effective Date through the Closing Date. Seller will operate the Facility in the ordinary course of business in the current manner. Seller shall maintain the Facility and continue to make ordinary repairs, replacements and maintenance with respect to the Facility, the Real Property, the FF&E, as well as the Improvements and all machinery, air conditioners, equipment, partitions and fixtures. Seller shall deliver the Property on the Closing Date, free and clear of all liens, claims, charges and encumbrances, other than the Permitted Exceptions, in the same condition and repair as on the Effective Date.

iv. Seller will preserve the existing residency occupancy levels of the Facility and the goodwill with community members, all of the suppliers, residents and others having business relations with Seller or the Facility.

v. Seller will not and will ensure Seller will not make any material change in the operation of the Property nor sell or agree to sell any items of machinery, equipment or other assets of the Property or otherwise enter into an agreement affecting the Property.

vi. There will be no change in ownership, operation or control of any of the Property prior to Closing, and Seller will not take any other action inconsistent with its obligations under this Agreement.

vii. Seller will maintain in force or renew on commercially reasonable terms the existing hazard and liability insurance policies as are now in effect for all of the Property.

viii. Seller will not other than in the ordinary course of business, consistent with past practices, enter into any new contract or commitment, or modify or reject any existing contract or commitment, affecting any part of the Property.

ix. Seller will maintain the inventories of perishable food, non-perishable food, central supplies, linen, housekeeping and other supplies at the Facility at substantially the same condition, quality and quantity as presently maintained.

x. Seller will satisfy and discharge or contest in good faith all claims, liens, security interests, tenancies, liabilities or other financial obligations which

constitute a lien or encumbrance on any of the Property, except for the Permitted Exceptions.

xi. Seller will provide Purchaser or New Operator and their representatives with access to the Facility and the Property for purposes authorized under this Agreement.

xii. Seller will file all returns, reports and filings of any kind or nature, required to be filed by Seller on a timely basis and will timely pay all taxes or other obligations and liabilities which are due and payable with respect to the Facility and the Property in the ordinary course of business.

xiii. Seller will: (A) cause all of the Property to be operated in compliance with all applicable laws, regulations and ordinances, as are now in effect; and (B) take all actions reasonably necessary to achieve compliance with any laws, regulations and ordinances which are enacted after execution of this Agreement and prior to Closing.

xiv. Seller will promptly notify Purchaser in writing of any material adverse change that Seller becomes aware of in the condition of the Property, including, without limitation, delivery to Purchaser within three (3) business days of receipt: (A) copies of all surveys and inspection reports from any governmental agencies received after the Effective Date; and (B) notices received of any action pending, threatened or recommended by the appropriate state or federal agency having jurisdiction thereof to revoke, withdraw or suspend any right of Seller to operate the Facility, to terminate the participation of the Facility in the Title XVIII or Title XIX of the Social Security Act programs, to terminate or fail to renew any provider agreement related to the Facility, or to take any action that would have a material adverse effect on Purchaser's or New Operator' ability to purchase and operate the Facility as a skilled nursing facility.

xv. Seller will file all returns, reports and filings of any kind or nature, required to be filed by Seller on a timely basis and will timely pay all obligations and liabilities which are due and payable with respect to the Property in the ordinary course of business. In connection with the foregoing, Purchaser shall submit, at least ten (10) days prior to Closing, a Notification of Sale, Transfer or Assignment in Bulk on Form AU-196.190 to the New York State Department of Taxation and Finance ("**NYDOT**"). Seller acknowledges that it is a condition to closing that the NYDOT shall have issued a tax clearance letter or notice of claim. In the event a notice of claim is issued, Seller acknowledges that such notice of claim may require Purchaser to withhold, in escrow to be held by Purchaser's attorneys, some or all of the net proceeds of sale at Closing, pending Seller's compliance with tax clearance requirements (which may require, inter alia, that Seller file certain tax returns and/or pay certain taxes claimed by NYDOT to be due). At least thirty (30) days prior to Closing, Seller shall provide Purchaser with a statement setting forth the amount owed by Seller with respect to all other New York and Federal payroll, assessment and other taxes and all license fees, including supporting materials.

b. **Purchaser's Covenant.** Purchaser hereby agrees and covenants that between the Effective Date and the Closing Date, it will use good faith efforts in connection with New

Operator's efforts to file an application for a Certificate of Need with the NYDOH and obtain an Approval Letter.

c. **New Operator's Covenant.** New Operator hereby agrees and covenants that between the Effective Date and the Closing Date, it will use good faith efforts to file an application for a Certificate of Need with the NYDOH and obtain an Approval Letter.

d. **Joint Covenants.** Each party hereto agrees and covenants to use their best efforts to cause the conditions to their obligations and to the other party's obligations herein set forth to be satisfied at or prior to the Closing Date. Each party shall promptly notify the other party of any information delivered to or obtained by such party which would prevent the consummation of the transactions contemplated hereby, or which would indicate a breach of the representations or warranties of any other party hereto. Each of the parties hereto agrees to execute and deliver any further agreements, documents or instruments necessary to effectuate this Agreement and the transactions referred to herein or contemplated hereby or reasonably requested by the other party to perfect or evidence their rights hereunder, whether prior to or following the Closing Date.

**11. CONVEYANCES.** Conveyance of the Real Property to Purchaser shall be by Special Warranty Deed, subject only to the Permitted Exceptions. Conveyance of the FF&E and Personal Property shall be by a Bill of Sale from Seller to Purchaser containing full warranties of title and free of all liens, encumbrances and security interests in and to the FF&E and Personal Property. Conveyance of the Intangible Property shall be by a General Assignment to New Operator.

**12. CLOSING DELIVERIES.**

a. **Purchaser's Closing Deliveries.** On or before the Closing Date, Purchaser agrees that it will:

i. Deposit the balance of the Purchase Price after crediting the Escrow Deposit due at Closing by wire transfer into the Closing Escrow.

ii. Deliver into the Closing Escrow such documents, certifications and statements as may be required by the Title Company to issue the Title Policies, the Title Endorsements, and loan title policies to Purchaser's lender, including, without limitation, a Title Company Disbursement Statement signed by Purchaser approving each and every of the payments and disbursements made by the Title Company through the Closing Escrow.

iii. Deliver to Seller a Certificate of Good Standing from the Secretary of State for Purchaser, and certified copies of the resolutions of the Purchaser authorizing the execution, delivery and consummation of this Agreement and all other agreements and documents executed in connection herewith, including all instruments required hereunder, sufficient in form and content to meet the requirements of New York law relevant to such transactions and certified by the manager of Purchaser as adopted and in full force and effect and unamended as of Closing.

iv. Deliver to Seller a bring down certificate of the representations and warranties made and given by Purchaser in this Agreement.

v. Deliver to Seller such further instruments and documents as are reasonably requested by Seller, including an Approval Letter.

b. **Seller's Closing Deliveries.** On or before the Closing Date, Seller will deliver into the Closing Escrow (except as otherwise set forth below) signed originals of the following documents in form and substance reasonably satisfactory to counsel for the Seller and Purchaser:

i. A Special Warranty Deed from Seller conveying the Real Property from Seller to Purchaser including customary covenant of compliance with Section 13 of the Lien Law of the State of New York and subject only to the Permitted Exceptions.

ii. A Bill of Sale for the FF&E and Personal Property owned by Seller from Seller to Purchaser.

iii. A General Assignment for the Intangible Property from Seller to New Operator.

iv. Deliver into the Closing Escrow such documents, certifications and statements as may be required by the Title Company to issue the Title Policy, the Title Endorsements, and any loan title policies to Purchaser's lender, including, without limitation, a copy of the Title Company Disbursement Statement signed by Seller approving each and every one of the payments and disbursements made by the Title Company.

v. Any statement, affidavit or undertaking required by the Title Company in order to give Purchaser good and clear title to the Property per the requirements of this Agreement.

vi. Real Estate Transfer Tax Declarations for the Real Property, if any.

vii. A Form 1099 identifying Seller's gross proceeds and Seller's tax identification numbers, if required by the Title Company.

viii. Deliver to Purchaser a bring down certificate of the representations and warranties made and given by Seller in this Agreement.

ix. Deliver to Purchaser certified copies of the resolutions of Seller, authorizing the execution, delivery and consummation of this Agreement and the execution, delivery and consummation of all other agreements and documents executed in connection herewith, including all instruments required hereunder, sufficient in form and content to meet the requirements of the laws of the State of Seller's organization and New York law relevant to such transactions and certified by the Clerk of the County Legislature of Seller as adopted and in full force and effect and unamended as of Closing.

x. Deliver to New Operator releases and statements required pursuant to Section 10(a)(xv).

xi. Deliver to New Operator a certified accounting of the Patient Trust Funds.

xii. Such further instruments and documents as are reasonably necessary to complete the transfer of the Property to Purchaser and New Operator in accordance with the terms of this Agreement.

**13. SELLER'S REPRESENTATIONS AND WARRANTIES.** Seller hereby represents and warrants to Purchaser and New Operator that:

a. **Status of Seller.** Seller is a duly constituted County of the State of New York duly qualified to own the Real Property and conduct its business in the State of New York.

b. **Authority and Enforceability.** Pursuant to Local Law 7-75 of Chautauqua County, Seller has the power to sell, convey, exchange or lease any real or personal property owned by Chautauqua County in such manner and upon such terms and conditions as may be deemed in the best interest of Chautauqua County, and to make all contracts and to do all other acts in relation to the property and concerns of Chautauqua County necessary to the exercise of its powers. This Agreement and the Transaction Documents are the legal, valid and binding obligations of Seller, enforceable against Seller in accordance with its respective terms.

c. **Compliance with Agreements.** The execution, delivery and performance of this Agreement and the consummation of the transaction contemplated herein, and all related documents will not result in a default under any mortgage, note, agreement, organizational document, or other instrument or obligation to which Seller is a party or by which the Property may be bound or affected and which will not be paid off or otherwise satisfied in connection with or prior to the Closing.

d. **Title.** Seller is the fee simple owner of good title to the Real Property, free and clear of all liens, encumbrances, covenants, conditions, restrictions, leases, tenancies, licenses, claims and options, except for the Permitted Exceptions, Seller's agreements with residents, and except for any liens or encumbrances in favor of Seller's lender that Seller covenants will be removed or discharged of record on the Closing Date. Seller does not lease any of the Property. All of the Property is owned by the Seller free and clear of all liens, encumbrances, covenants, conditions, and restrictions or subject to liens and encumbrances that will be released upon payment of a portion of the sales proceeds on the Closing Date. Seller knows of no reason why the Purchaser shall be unable to obtain any of the Title Endorsements.

e. **Condition of the Real Property, Personal Property, Intangible Property and FFE.** Seller makes no representation or warranty as to the physical condition or suitability of the Real Property, Personal Property, Intangible Property, or FFE. Seller owns no real property adjacent to the Land.

f. **Hazardous Substances.** Seller hereby represents to its knowledge that no part of the Property is contaminated with any Hazardous Substances or regulated substances. For purposes of this Agreement, "**Hazardous Substances**" means any substance or material which gives rise to liability under any of the Environmental Laws; but excludes hazardous substances typically used in, and in quantities necessary for, the day-to-day operation of the Facility and which are commonly used in other similar Facility, including, but not limited to, cleaning fluids, insecticides and medicines. For purposes of this

Agreement, "**Environmental Laws**" means the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. Sections 9601 et seq., the Clean Water Act, 33 U.S.C. Section 1251 et seq., and all other applicable state, county, municipal, administrative or other environmental, hazardous waste or substance, health and/or safety laws, ordinances, rules, and regulations pertaining to the environmental or ecological conditions on, under or about the Real Property. There are two underground storage tanks on the Property consisting of a 10,000 gallon diesel tank that supplies the emergency generator of the Facility, and a 50,000 gallon water tank that supplies the Facility's fire protection plan.

g. **No Default.** There is no default by Seller under any mortgage, contract, lease or other agreement affecting or relating to any of the Property.

h. **Personal Property and Improvements.** All tangible rights, properties and assets used in the operation of the Facility are owned by Seller and are included in the assets to be transferred hereunder. All utility services, including heat, air-conditioning, hot and cold water, telephones, gas and electricity are available at the Facility in quantities sufficient for Seller's present use of the Property.

i. **Litigation.** Except as disclosed on Schedule 13(i), there are no lawsuits, investigations or other proceedings pending against the Facility or Seller. No event has occurred or circumstance exists that to the knowledge of Seller is reasonably likely to give rise to or serve as a basis for the commencement of any claim against the Facility or Seller. There are no current ongoing audits of the Facility's billing by any third party payor.

j. **Liens.** There are no liens claimed or which may be claimed against any of the Real Property for work performed or commenced prior to the Closing Date.

k. **Financial Statements.** To the best of Seller's knowledge, any financial statements furnished to Purchaser are true, correct and complete in all material respects.

l. **Licensure and Certifications.** The Facility is licensed for 216 skilled nursing beds (the "Licensed Beds"). The FF&E at the Facility includes equipment, supplies, inventory and other property sufficient in quality and quantity to operate the Facility as skilled nursing facility with the Licensed Beds in accordance with all applicable laws. The Facility is certified for participation in the Medicaid and Medicare Reimbursement Program. There are no written claims, demands or other notices of or action alleging the overpayment of Medicaid, Medicare or other governmental or quasi-governmental reimbursements or demands for the return of such alleged overpayments by any third party payor with respect to the Facility. To Seller's knowledge the Facility is in compliance with all state or local building, fire safety or health authorities' regulations. There are no outstanding material Life Safety Code deficiencies or violations cited by CMS, NYDOH or state or local building, fire safety or health authorities that have not been corrected as of the Effective Date. The Facility has no waivers of any Life Safety Code violation.

m. **Insurability.** Seller has not received any written notice or request from any insurance company or underwriters setting forth any defects in the Property which might affect the insurability thereof, requesting the performance of any work or alteration of the Property or setting forth any defect or inadequacy in Seller's operation of the Property which would materially and adversely affect the ability of Purchaser to insure the Facility with the Licensed Beds following Closing. Each of Seller's insurance policies are in full

force and effect (free from any present exercisable right of termination on the part of the insurance company issuing such policy prior to the expiration of the terms of such policy). Seller has not received any notice of non-renewal or cancellation of any such policy.

n. **Payment of Liabilities.** Seller has paid or will pay all of its debts, liabilities and obligations arising from the ownership and operation of the Property for the period prior to the Closing Date, including all service contract accounts payable.

o. **Rights with Respect to Property.** There are no existing agreements, options or commitments granting to any person or entity the right to acquire Seller's right, title and interest in or to any of the Property to be acquired hereunder.

p. **Tax Returns.** All tax returns and reports required by law to be filed by Seller relating to the ownership or operation of the Property prior to the Closing Date (collectively, "**Tax Returns**") have been properly and timely filed (subject to the right to extend or delay the filing thereof) and correctly reflect the tax position of Seller, and all taxes respectively due under such Tax Returns have been timely objected to, disputed or paid thereby or will be paid in the ordinary course. Purchaser is not assuming under this Agreement any tax liabilities owed by Seller as a result of the ownership or operation of the Facility prior to the Closing Date.

q. **Government Investigations.** Seller has received no notice of the commencement of any investigation proceedings or any governmental investigation or action (including any civil investigative demand or subpoena) under the False Claims Act (31 U.S.C. Section 3729 et seq.), the Anti-Kickback Act of 1986 (41 U.S.C. Section 51 et seq.), the Federal Health Care Programs Anti-Kickback statute (42 U.S.C. Section 1320a-7a(b)), the Ethics in Patient Referrals Act of 1989, as amended (Stark Law) (42 U.S.C. 1395nn), the Civil Money Penalties Law (42 U.S.C. Section 1320a-7a), or the Truth in Negotiations (10 U.S.C. Section 2304 et seq.), Health Care Fraud (18 U.S.C. 1347), Wire Fraud (18 U.S.C. 1343), Theft or Embezzlement (18 U.S.C. 669), False Statements (18 U.S.C. 1001), False Statements (18 U.S.C. 1035), and Patient Inducement Statute and equivalent state statutes or any rule or regulation promulgated by a Governmental Authority with respect to any of the foregoing healthcare fraud laws affecting Seller with respect to the Facility.

r. **Violations.** Seller has not received notice that it has been charged or implicated in any violation of any state or federal statute or regulation involving false, fraudulent or abusive practices relating to its participation in state or federally sponsored reimbursement programs, including but not limited to false or fraudulent billing practices.

s. **HIPAA.** Seller has not received notice that it is not in material compliance with the Health Insurance Portability and Accountability Act of 1996.

t. **Untrue Statement of Material Fact.** No representation or warranty by Seller in this Agreement or in any instrument, certificate or statement furnished to Purchaser pursuant hereto, or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or omits to state a material fact necessary to make the statements contained herein or therein not misleading.

**14. PURCHASER'S REPRESENTATIONS AND WARRANTIES.** Purchaser hereby warrants and represents to Seller and New Operator that:

a. **Status of Purchaser.** Purchaser is a limited liability company duly formed and validly existing under the laws of the State of New York and is duly qualified to own property and conduct business in the State of New York.

b. **Authority.** Purchaser has full power and authority to execute and to deliver this Agreement and all documents to be executed and/or delivered by it hereunder, and to carry out the transaction contemplated herein. This Agreement is, and all instruments and documents delivered pursuant hereto at the Closing will be valid and binding documents enforceable against Purchaser in accordance with its terms. The execution, delivery and performance of this Agreement and the consummation of the transaction contemplated herein, and all related documents will not result in a default under any mortgage, note, agreement, organizational document or other instrument or obligation to which Purchaser is a party or by which the Property of Purchaser may be bound or affected.

c. **Necessary Action.** Purchaser has taken all action required under its organizational agreement necessary to enter into this Agreement and to carry out the terms of this Agreement. This Agreement has been, and the other documents to be executed by Purchaser when delivered at Closing will have been, duly executed and delivered by Purchaser.

d. **No Consent Required.** No consent, order, approval or authorization of, or declaration, filing or registration with, any governmental or regulatory authority is required in connection with the execution or delivery by Purchaser of this Agreement, or the performance by Purchaser of this Agreement, prior to, or as of or at the Closing Date, or as a consequence thereof, or with the consummation by Purchaser of the transactions contemplated hereby to be consummated prior to, as of or at the Closing Date.

e. **Untrue Statement of Material Fact.** No representation or warranty by Purchaser in this Agreement or in any instrument, certificate or statement furnished to Purchaser pursuant hereto, or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained herein or therein not misleading.

f. **"AS IS-WHERE IS" Condition.** Purchaser acknowledges that it has inspected the Property and, except as otherwise provided herein, including, without limitation, the representations and warranties of Seller provided in this Agreement, and further subject to the terms and conditions of this Agreement, agrees to purchase the same in its present "AS IS-WHERE IS" condition.

**15. NEW OPERATOR'S REPRESENTATIONS AND WARRANTIES.** New Operator hereby warrants and represents to Seller and Purchaser that:

a. **Status of New Operator.** New Operator is a limited liability company duly formed and validly existing under the laws of the State of New York and is duly qualified to own property and conduct business in the State of New York.

b. **Authority.** New Operator has full power and authority to execute and to deliver this Agreement and all documents to be executed and/or delivered by it hereunder, and to carry out the transaction contemplated herein. This Agreement is, and all instruments and documents delivered pursuant hereto at the Closing will be valid and binding documents enforceable against New Operator in accordance with its terms. The execution, delivery and performance of this Agreement and the consummation of the transaction contemplated herein, and all related documents will not result in a default under any mortgage, note,

agreement, organizational document or other instrument or obligation to which New Operator is a party or by which the Property of New Operator may be bound or affected.

c. **Necessary Action.** New Operator has taken all action required under its organizational agreements necessary to enter into this Agreement and to carry out the terms of this Agreement. This Agreement has been, and the other documents to be executed by New Operator when delivered at Closing will have been, duly executed and delivered by New Operator.

d. **No Consent Required.** No consent, order, approval or authorization of, or declaration, filing or registration with, any governmental or regulatory authority is required in connection with the execution or delivery by New Operator of this Agreement, or the performance by New Operator of this Agreement, prior to, or as of or at the Closing Date, or as a consequence thereof, or with the consummation by New Operator of the transactions contemplated hereby to be consummated prior to, as of or at the Closing Date, except the receipt by New Operator of an Approval Letter and any and all other regulatory approvals needed to own and operate the Facility under New York law.

e. **Untrue Statement of Material Fact.** No representation or warranty by New Operator in this Agreement or in any instrument, certificate or statement furnished to New Operator pursuant hereto, or in connection with the transactions contemplated hereby, contains or will contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained herein or therein not misleading.

f. **"AS IS-WHERE IS" Condition.** New Operator acknowledges that it has inspected the Property and, except as otherwise provided herein, including, without limitation, the representations and warranties of Seller provided in this Agreement, and further subject to the terms and conditions of this Agreement, agrees to purchase the same in its present "AS IS-WHERE IS" condition.

**16. CONDITIONS TO PURCHASER'S AND NEW OPERATOR'S OBLIGATIONS.** All obligations of Purchaser and New Operator under this Agreement, including the obligation to pay the Purchase Price and close this transaction are contingent and subject to fulfillment, prior to or at Closing, of each of the following conditions:

a. **Compliance.** Prior to the Closing Date, none of the following notices shall have been received by Seller or with respect to the Facility:

i. Any notice citing an outstanding Life Safety Code or NYDOH violation that has not been addressed by a plan of correction accepted by NYDOH or that has caused the Facility to be in an open survey cycle.

ii. Any notice stating that the Facility is not in substantial compliance with applicable NYDOH, state or local building, fire safety or health authorities regulations, Life Safety Code, or United States Centers for Medicare and Medicaid Services regulations, unless remedied prior to the Closing Date.

iii. Any notice imposing any serious sanctions upon the Facility under applicable law, rule or regulations, including, but not limited to, denial of payment for new admissions, civil monetary penalties or termination or suspension of participation in the Medicare or Medicaid reimbursement program.

- b. **Seller's Representations, Warranties and Covenants.** Seller's representations, warranties and covenants contained in this Agreement or in any certificate or document delivered in connection with this Agreement or the transactions contemplated herein shall have been true on the Effective Date and true as of the Closing Date as though such representations, warranties and covenants were then again made.
- c. **Seller's Performance.** Seller shall have performed all of its obligations and covenants under this Agreement that are to be performed prior to or at Closing, including, without limitation, its delivery of all of Seller's Closing Documents.
- d. **Title Insurance.** On the Closing Date, Seller shall deliver good and marketable fee simple title to the Real Property, subject only to the Permitted Exceptions, which the Title Company will insure for the full Purchase Price under the Title Policy, in accordance with the requirements of Section 9 hereof.
- e. **No Defaults.** Seller shall not be in default under any mortgage, contract, lease or other agreement affecting or relating to the Property.
- f. **Change in Ownership.** There shall be no change in the ownership, operation or control of the Property between the Effective Date and the Closing Date.
- g. **Absence of Litigation.** No action or proceeding has been instituted or threatened before any court or governmental body or authority the result of which is reasonably likely to prevent or make illegal the acquisition by Purchaser of the Property, or the consummation of the transaction contemplated hereby, or which could materially and adversely affect New Operator's ability to operate the Facility as a skilled nursing home with the Licensed Beds. There are no orders which are entered after execution of this Agreement and prior to Closing and which shall result in the immediate forced closing of the Facility prior to the Closing Date.
- h. **No Material Change.** Since the Effective Date, no material adverse change shall have occurred in the census, physical condition or business of the Facility, Seller or the Property, whether financial or otherwise. Without limiting the generality of the foregoing, it is acknowledged that Purchaser shall deem a decrease of ten percent (10%) of the census at the Facility since October 31, 2012 to constitute a material adverse change.
- i. **Removal of Personal Property Liens.** The Property shall be free and clear of all liens, claims and encumbrances other than those permitted herein or that will be paid or otherwise satisfied by Seller on the Closing Date.
- j. **New License.** Purchaser and New Operator shall have received an Approval Letter and any and all other regulatory approvals needed to own and operate the Facility under New York law.
- k. **Resident Transfers.** There shall be no transfer of residents from the Facility to a nursing facility owned or operated by the Seller, nor shall there be any voluntary transfers by Seller of residents from the Facility to any other nursing Facility, where such transfer is not in the ordinary course of business and not for reasons relating to the health and well-being of the resident transferred or otherwise required by law.

l. **Taxes.** Purchaser shall have received a tax clearance letter or notice of claim from the NYDOT and a statement setting forth the amount owed by Seller with respect to all other New York and Federal payroll assessment and other taxes and all license fees, including supporting materials as set forth in Section 10 a. xv hereof.

m. **Phase I.** Purchaser shall have received a Phase I environmental survey (at Purchaser's cost) recommending no further investigations at the Property and identifying no Hazardous Substances or violations of Environmental Laws associated with the Property.

n. **FF&E.** All FF&E and Personal Property shall be located at the Facility on the Closing Date.

o. **Accuracy of Representations and Warranties of Seller.** No representation or warranty by or on behalf of Seller contained in this Agreement and no statement by or on behalf of Seller in any certificate, list, exhibit or other instrument furnished or to be furnished to Purchaser by or on behalf of Seller pursuant hereto contains any untrue statement, or omits or will omit to state any facts which are necessary in order to make the statements contained therein, in light of the circumstances under which they are made, not misleading.

**17. CONDITIONS TO SELLER'S OBLIGATIONS.** All obligations of Seller under this Agreement are subject to the fulfillment, prior to or at Closing, of each of the following conditions:

a. **Purchaser's Representations, Warranties and Covenants.** Purchaser's representations, warranties and covenants contained in this Agreement or in any certificate or document delivered in connection with this Agreement or the transactions contemplated herein shall be true at the Effective Date and true as of the date of Closing as though such representations, warranties and covenants were then again made.

b. **New Operator's Representations, Warranties and Covenants.** New Operator's representations, warranties and covenants contained in this Agreement or in any certificate or document delivered in connection with this Agreement or the transactions contemplated herein shall be true at the Effective Date and true as of the date of Closing as though such representations, warranties and covenants were then again made.

c. **Purchaser's Performance.** Purchaser shall have performed its obligations and covenants under this Agreement that are to be performed prior to or at Closing, including but not limited to, its delivery of all of Purchaser's Closing documents.

d. **New Operator's Performance.** New Operator shall have performed its obligations and covenants under this Agreement that are to be performed prior to or at Closing, including but not limited to, its delivery of any and all of New Operator's Closing documents.

e. **Absence of Litigation.** No action or proceeding shall have been instituted, nor any judgment, order or decree entered by any court or governmental body or authority preventing the acquisition by Purchaser of the Real Property or the other assets, by New Operator of the Personal Property or the consummation of the transaction contemplated hereby.

- f. **New License.** Purchaser and New Operator shall receive an Approval Letter and any and all other regulatory approvals needed to own and operate the Facility under New York law.

**18. PATIENT TRUST FUNDS.**

- a. On or prior to the Closing Date, Seller shall provide to New Operator a true, correct and complete accounting (properly reconciled), certified as being true, correct and complete by Seller, of the patient trust funds and an inventory of all residents' property held by Seller prior to the Closing Date for residents at the Facility ("**Patient Trust Funds**"). Seller hereby agrees to transfer to New Operator the Patient Trust Funds on the Closing Date.
- b. Seller shall comply with all governmental statutes, rules and regulations with respect to the transfer of such Patient Trust Funds and Property. New Operator hereby agrees that it will accept the Patient Trust Funds and Property in trust for the residents, in accordance with applicable statutory and regulatory requirements, provided, however, that such transfer shall not relieve Seller of its custodial and fiduciary responsibilities for such funds and property to the beneficiaries thereof for the period prior to the Closing Date.

**19. MEDICAID AND MEDICARE.**

- a. Effective on the Closing Date, Seller sells, assigns and conveys to New Operator the Medicare provider number in use at the Facility (the "**Existing Medicare Provider Number**"). Notwithstanding the foregoing, Seller hereby retains any and all rights and liabilities relating to the Existing Medicare Provider Number relating to any and all periods preceding the Closing Date. Seller and New Operator shall execute any and all documents necessary and will otherwise cooperate in connection with the assignment of the Existing Medicare Provider Number. New Operator shall indemnify Seller with respect to any claims that arise from New Operator's use of the Existing Medicare Provider Number relating to periods on or after the Closing Date.
- b. New Operator shall apply for Medicaid and any other payor source provider numbers and use its best efforts to obtain such provider numbers on or prior to the Closing Date.
- c. Seller shall prepare and file with the appropriate Medicare and Medicaid agencies all final cost reports with respect to its operation of the Facility prior to the Closing Date required to be filed pursuant to Titles XVIII and XIX of the Social Security Act prior to the expiration of the period of time as may be required by law for the filing of each such final cost report under the applicable third party payor program, it being specifically understood and agreed that the intent and purpose of this provision is to ensure that the reimbursement paid to New Operator for the period beginning on the Closing Date is not delayed, reduced or offset in any manner as a result of Seller's failure to timely file such cost reports.
- d. New Operator shall notify Seller, and Seller shall notify New Operator, within ten (10) business days after receipt of any notice of any claim by NYDOH or any other governmental or quasi-governmental for withholding, recoupment, repayment, recapture or recovery of any alleged overpayment by Medicaid or Medicare or any alleged underpayment of any tax and/or assessment (collectively, "**Recapture**") for periods prior to the Closing Date (such ten (10) business day notification shall not apply to routine,

financially non-material Medicare or Medicaid census adjustments or corrections to be handled pursuant to Section 25, but shall apply to “desk audits,” “full audits,” or reviews, and all other communications from agencies or entities as described in this sentence). In the event the federal or state agencies making payments to New Operator for services performed at the Facility on or after the Closing Date make any claim for Recapture for any period ending before the Closing Date, then Seller shall save, indemnify, defend and hold New Operator harmless from and against any loss, damage, injury or expense incurred by New Operator arising from or related to any such claim. In connection with the foregoing indemnification obligation, in the event that OIG, CMS, NYDOH or any other governmental authority or agency or other third party payor source withholds amounts from New Operator’s reimbursement checks as a result of such Recapture claim (the “**Withheld Recapture Amounts**”), Seller shall pay such amounts to New Operator within five (5) business days following New Operator’s written demand therefor.

e. Seller shall be and remain obligated for and shall pay on or before the date due thereof all amounts of assessment taxes and license fees/taxes accrued through the Closing Date. Seller shall provide to New Operator, on or before the Closing Date, evidence reasonably satisfactory to New Operator of payment of all of such fees and taxes. In the event the Seller fails to make said payments on a timely basis and New Operator is required to make said payments or obligations are withheld from New Operator’s reimbursement payments, Seller shall pay such amounts to New Operator within five (5) business days following New Operator’s demand therefor.

f. Seller shall, at its sole cost and expense be liable for the correction of any and all violations with a scope and severity level of “D” or greater cited by any state or federal agency in any survey that takes place on or prior to Closing Date and any and all civil monetary penalties that result solely from a condition that existed at the Facility prior to the Closing Date or solely as a result of the action or inaction of Seller prior to the Closing Date.

## 20. CONTRACTS.

a. Seller represents and warrants that it has delivered to New Operator true, accurate and complete copies of any and all service contracts, agreements and equipment leases affecting the Facility (the “**Contracts**”). New Operator hereby agrees to assume the Contracts that New Operator expressly agrees to assume on a written notice to Seller on or before the Closing Date (those assumed shall be the “**Assumed Contracts**”; those not assumed shall be “**Rejected Contracts**”).

b. Seller shall remain responsible for all liabilities and obligations (i) under the Rejected Contracts, (ii) under the Assumed Contracts to the extent such liabilities and obligations accrue or arise prior to the Closing Date, or (iii) for services or supplies which were performed or rendered prior to the Closing Date.

c. To the extent any third party consent is required in connection with the assignment and assumption of the Assumed Contracts, Seller hereby covenants and agrees to timely seek such third party consents prior to the Closing Date.

d. Seller shall also transfer, convey and assign to New Operator on the Closing Date all existing agreements with residents and, to the extent assignable, any guarantees thereof (excluding only the right to any payments for periods prior to the Closing Date). Collectively, such agreements (including all assignable guarantees) shall be considered

part of the Assumed Contracts. New Operator agrees to fulfill all obligations of Seller that shall arise with respect to all existing agreements with residents on and after the Closing Date.

## **21. ACCOUNTS RECEIVABLE AND ACCOUNTS PAYABLE.**

a. Seller shall retain the right to collect all unpaid accounts receivable as of the close of business on the day prior to the Closing Date with respect to the Facility, but only to the extent that such accounts receivable relate to services rendered prior to the Closing Date.

b. If at any time after the Closing Date, New Operator shall receive any payment from any federal or state agency, which payment includes any reimbursement with respect to payments or underpayments to be made to Seller for services rendered prior to the Closing Date, then New Operator shall remit such payments to Seller. New Operator and Seller shall send copies of its cash receipts journal and all Medicare and Medicaid remittance advices to the other party for purposes of recording and pursuing accounts receivable for a period of six (6) months following the Closing Date and thereafter as reasonably requested by each party (but not more often than once per month). If at any time after the Closing Date, Seller shall receive any payment from any federal or state agency, which payment represents reimbursement with respect to payments or underpayments to be made to New Operator for services rendered on or after the Closing Date, then Seller shall be obligated to remit such payments (or an amount equal to such payments) to New Operator. For the first six (6) months after the Closing Date, New Operator shall send copies of all deposits of payments on accounts receivable made by or for New Operator to Seller, and Seller shall send copies of all deposits of payments on accounts receivable made by or for Seller to New Operator.

c. To the extent either party receives any payments for accounts receivable and the accompanying remittance advice does not indicate the period to which a payment relates or if there is no accompanying remittance advice and if the parties do not otherwise agree as to how to apply such payment, then, the parties will be deemed to have agreed that any payment received during the first thirty (30) days after the Closing Date shall be applied first to pre-Closing Date balances and any remaining portion shall be applied to post-Closing Date balances, and any payment received after the first thirty (30) days after the Closing Date shall be applied first to post-Closing Date balances and any remaining portion shall be applied to pre-Closing Date balances.

d. To the extent either party receives any payments for accounts receivable of the other party, both parties acknowledge that the party receiving the payment belonging to the other party shall hold the payment in trust, that neither party shall have any right to offset with respect to such accounts receivable, and that the party erroneously receiving the payment shall have no right, title or interest whatsoever in the payment and shall remit the same to the other within thirty (30) days of receipt.

e. Nothing herein shall be deemed to limit in any way either party's rights and remedies to recover accounts receivable due and owing to it under the terms of this Agreement. All accounts payable for services provided or goods furnished for or at the Facility prior to the Closing Date shall remain the sole responsibility and obligation of Seller.

f. All accounts payable for services provided or goods furnished for or at the Facility on or after the Closing Date shall be the sole responsibility and obligation of New

Operator. To the extent accounts payable have been accrued for a period that includes time both before and after the Closing Date, the parties hereto shall apportion the responsibility for payment of the same on a pro rata basis. The parties hereto hereby agree to cooperate with each other and notify the merchants, suppliers or other third parties with respect to which of Seller or New Operator bears responsibility for accounts payable of the Facility based on the foregoing clauses of this Section 21. Seller agrees to pay accounts payable for services provided or goods furnished before the Closing Date in the ordinary course of business after the Closing Date.

## 22. EMPLOYEES.

a. Seller shall terminate the employment of all employees providing services at the Facility (the "**Current Employees**") as of the Closing Date and to avoid any interruption of services at the Facility, New Operator shall hire those union employees who have previously filed an application and passed a basic background check ("**Approved Union Employees**"). New Operator shall rehire on the Closing Date non-union Current Employees in at least sufficient numbers and at wages and benefits sufficient to avoid the applicability of the Workers Adjustment and Retaining Notification Act, 29 U.S.C. § 2101, without pay cuts and with a benefit package similar to the existing benefits (approved Union employees and the hired non-union employees shall be the "**Retained Employees**"). New Operator shall not be bound by or assume any employment contracts to which Seller may be a party.

b. New Operator shall have no obligation and shall suffer no liability if it does not choose to rehire or offer to rehire some or all of the non-union Current Employees and Seller shall indemnify and hold New Operator harmless with respect to the same. Nothing in this section, however, shall create any right in favor of any person not a party hereto, including without limitation, the Current Employees, or constitute an employment agreement or condition of employment for any employee of Seller or any affiliate of Seller who is a Retained Employee.

c. To ensure that Retained Employees maintain their existing paid time off balances, Seller shall deliver to New Operator on the Closing Date, all accrued but unpaid sick, vacation, holiday and severance obligations, and all other accrued but unpaid payroll obligations (whether vested or unvested), including but not limited to all FICA, withholding, unemployment, workmen's compensation or other employment related taxes, as well as any insurance premium obligations of Seller with respect to the Current Employees, if applicable, that have accrued prior to the Closing Date ("**PTO**"). New Operator expressly covenants and agrees that it shall pay and/or honor all accrued and unused PTO obligations when and as due with respect to the Retained Employees, and shall fully indemnify and hold Seller harmless, to the extent set forth on the employee accrual schedule provided by Seller to New Operator for any failure by New Operator to pay such amounts.

d. To the extent allowable by law, at or prior to Closing, Seller shall deliver to New Operator the Employee Records. Seller represents and warrants to New Operator that to the best of its knowledge the Employee Records delivered to New Operator or retained at the Facility represent all employee records in Seller's possession or control as of the Closing Date.

**23. NOTICE TO EMPLOYEES AND RESIDENTS.**

a. Seller, Purchaser and New Operator shall mutually agree upon the timing and process of notifying and informing the Facility employees and the Facility residents or resident families generally of the change of Facility management contemplated herein, in such a manner that minimizes disruption to the operations of the Facility and the residents and residents' families.

**24. USE OF TELEPHONE NUMBER, WEBSITE AND DOMAIN NAME.**

a. New Operator may use the present telephone numbers, website and domain name of the Facility. Seller shall as of the Closing Date transfer or cause to be transferred, at its expense, all right, title and interest in and to the telephone numbers, website and domain name used by the Facility.

**25. ACCESS TO RECORDS.**

a. On the Closing Date, Seller shall leave at the Facility for New Operator, to the extent permitted by law, all of the Records of the Facility, including resident medical and resident financial records, whether in electronic or paper format; provided, however, that nothing herein shall be construed as precluding Seller from removing its corporate financial records from the Facility on the Closing Date.

b. Subsequent to the Closing Date, New Operator shall allow Seller and its agents and representatives to have reasonable access to (upon reasonable prior notice and during normal business hours), and to make copies of, the books and records and supporting material of the Facility relating to the period prior to and including the Closing Date, at its own expense, to the extent reasonably necessary to enable Seller to investigate and defend malpractice, employee or other claims, to file or defend cost reports and tax returns and to verify accounts receivable collections due Seller.

c. Seller shall, if allowed by applicable law and subject to the terms of such applicable law, be entitled to remove any records delivered to New Operator, for purposes of litigation involving a resident or employee to whom such record relates, as certified to New Operator in writing prior to removal by an officer of or counsel for Seller in connection with such threatened or actual litigation. Any record so removed shall promptly be returned to New Operator following its use.

d. New Operator agrees to maintain such books, records and other material comprising records of the Facility's operations prior to the Closing Date that have been received by New Operator from Seller or otherwise, including patient records and records of patient funds, to the extent required by law, but in no event less than three (3) years.

**26. POST-CLOSING COVENANTS.**

a. For a period of ten (10) years from the Closing Date, Purchaser and New Operator agree to operate the Property with at least 200 skilled nursing beds.

b. New Operator will give preferred admissions to Chautauqua County residents by accepting a Chautauqua County resident instead of a similarly qualified out of County resident if there are insufficient open beds for each or if acceptance of the out of County

resident would cause the number of County residents to decrease below 80% of the overall number of Facility residents.

c. New Operator agrees that all current existing residents of the Facility shall have the right to remain at the Facility so long as there is a payment source for such residents.

d. The provisions of this section of the Agreement shall survive the Closing.

## 27. CASUALTY/CONDEMNATION.

a. Seller shall promptly notify Purchaser of any casualty damage it becomes aware of or notice of condemnation that Seller receives prior to the Closing Date.

b. If, at the time of Closing, the estimated cost of repairing such damage is more than Two Hundred Thousand Dollars (\$200,000), as determined by such independent adjuster, Purchaser may, at its sole option: (i) terminate this Agreement by notice to Seller within fifteen (15) days after such casualty (which shall be deemed a termination pursuant to Section 28(a)(i) of this Agreement); or (ii) proceed to Closing in accordance with Section 27(c).

c. If: (A) any portion of the Property is damaged by fire or casualty after the Effective Date and is not repaired and restored substantially to its original condition prior to Closing, and (B) at the time of Closing the estimated cost of repairs is Two Hundred Thousand Dollars (\$200,000) or less, as determined by an independent adjuster, or otherwise should Purchaser opt pursuant to Section 27(b)(ii), Purchaser shall be required to purchase the Property in accordance with the terms of this Agreement and at Seller's option, Purchaser shall either: (x) receive a credit at Closing of the estimated cost of repairs as determined by the aforesaid independent adjuster; or (y) at Closing Seller shall: (1) assign to Purchaser, without recourse, all insurance claims and proceeds with respect thereto (less sums theretofore expended in connection with such fire or casualty, if any, by Seller, including for temporary repairs or barricades) (in which event Purchaser shall have the right to participate in the adjustment and settlement of any insurance claim relating to said damage), and (2) credit Purchaser at Closing with an amount equal to the applicable Seller's insurance deductible. Seller shall have no liability or obligation with respect to the quantity or condition of the Property and shall be released from any representation and warranty regarding same as a result of such fire or casualty.

d. If, prior to Closing, a "material" portion of the Property is taken by eminent domain, then Purchaser shall have the right within fifteen (15) days after receipt of notice of such material taking, to terminate this Agreement, (which shall be deemed a termination pursuant to Section 28(a)(i) of this Agreement). If Purchaser elects to proceed and to consummate the purchase despite said material taking (such election being deemed to have been made unless Purchaser notifies Seller to the contrary within fifteen (15) days after notice from Seller to Purchaser of any taking), or if there is less than a material taking prior to Closing, there shall be no reduction in or abatement of the Purchase Price and Purchaser shall be required to purchase the Property in accordance with the terms of this Agreement, and Seller shall assign to Purchaser, without recourse, all of Seller's right, title and interest in and to any award made or to be made in the eminent domain proceeding (in which event Purchaser shall have the right to participate in the adjustment and settlement of such eminent domain proceeding). For the purpose of this Section, the term "material" shall mean any taking of in excess of ten percent (10%) of the square footage of the Facility or twenty percent (20%) of the Real Property associated with the Facility, which would:

(i) adversely affect Purchaser's or New Operator's ability after said taking to operate the Facility in compliance with the Approval Letter or Operating Certificate with the Licensed Beds; or (ii) eliminate after said taking a means of egress and ingress to and from the Facility to a public highway; or (iii) cause the use of the Facility after said taking to no longer be in compliance with all applicable zoning and building rules, regulations and ordinances.

## 28. TERMINATION.

a. **Termination.** This Agreement may be terminated at any time prior to the Closing by: (i) the mutual written consent of the Seller and Purchaser; (ii) by Purchaser, if Seller is unable to meet a condition precedent prior to the Closing Date (as the same may be extended) or is in breach of its obligation to consummate the transaction contemplated by this Agreement pursuant to the terms hereof, and such breach has not been (A) waived in writing by Purchaser or (B) cured by Seller within 10 days after notice to Seller of such breach; or (iii) by Seller, if Purchaser is unable to meet a condition precedent prior to the Closing Date (as the same may be extended) or is in breach of its obligation to consummate the transaction contemplated by this Agreement pursuant to the terms hereof, and such breach (other than a failure to close hereunder) has not been (A) waived in writing by Seller or (B) cured by Purchaser within 10 days after notice to Purchaser of such breach provided, however, that in lieu of the termination rights offered under clause (ii) immediately above, Purchaser can in lieu thereof seek specific performance of this transaction.

b. **Effect of Termination.**

i. In the event this Agreement is terminated in accordance with the terms of Section 28(a), the provisions of this Agreement shall immediately become void and of no further force and effect (other than this Section 28 and Sections 31, 33-50 inclusive, which shall survive such termination).

ii. Upon termination of this Agreement under Section 28(a)(i) (or provisions deemed a termination of this Agreement by virtue of that Section) or 28(a)(ii), the Escrow Deposit shall be returned to Purchaser as Purchaser's sole and exclusive remedy. Upon termination of this Agreement under Section 28(a)(iii), (or provisions deemed a termination of this Agreement by virtue of that Section), the Escrow Deposit shall be delivered to Seller as Seller's sole and exclusive remedy.

## 29. INDEMNIFICATION.

a. **Seller's Indemnity.** In addition to any other indemnity set forth elsewhere herein, Seller hereby indemnifies and agrees to defend and hold Purchaser and New Operator and their respective successors, assigns, affiliates, managers, members, agents, servants and employees harmless from and against any and all claims, demands, obligations, losses, liabilities, damages, recoveries and deficiencies (including interest, penalties and reasonable attorneys' fees, costs and expenses) (collectively, "Losses") which either of them may suffer as a result of any of the following events:

i. the untruth of any of the representations or the breach of any of the warranties of Seller herein or given pursuant hereto;

- ii. any default by Seller in the performance of any of its commitments, covenants or obligations under this Agreement;
- iii. any suits, arbitration proceedings, administrative actions or investigations to the extent relating to the ownership or use of the Property on or before the Closing Date;
- iv. for claims which arise from actions or omissions of Seller with respect to the Patient Trust Funds prior to the Closing Date;
- v. any obligations under any of the Assumed Contracts that shall accrue or relate to periods before the Closing Date or for services or supplies which were performed or rendered before the Closing Date;
- vi. any liability which may arise from ownership, use or condition of the Property or Facility on or before the Closing Date.

Within thirty (30) days after notice of a claim pursuant to Section 29(d), Seller shall promptly pay to Purchaser a sum of money sufficient to pay in full such claim or demand, or promptly cure such breach or contest such claim in accordance with Section 29(d) hereof.

b. **Purchaser's and New Operator's Indemnity.** In addition to any other indemnity set forth elsewhere herein, Purchaser and New Operator hereby indemnify and agree to defend and hold Seller, its successors, assigns, affiliates, managers, members, directors, officers, agents, servants and employees harmless from and against any and all Losses which Seller may suffer as a result of:

- i. the untruth of the representations or the breach of any of the warranties of Purchaser herein or given pursuant hereto;
- ii. any default by Purchaser in the performance of any of its commitments, covenants or obligations under this Agreement;
- iii. any suits, arbitration proceedings, administrative actions or investigations to the extent relating to the ownership and use of the Property by Purchaser following the Closing Date;
- iv. claims which arise from actions or omissions of New Operator after the Closing Date with respect to Patient Trust Funds; or
- v. any liability which may arise from ownership, use or condition of the Property on or after the Closing Date to the extent it relates to the ownership or use of the Property on or after the Closing Date.

Within thirty (30) days after notice of a claim pursuant to Section 29(d), Purchaser shall promptly pay to Seller a sum of money sufficient to pay in full such claim or demand, or promptly cure such breach or contest such claim in accordance with Section 29(d) hereof.

c. If any party entitled to Indemnity under this Section 29 (the "**Indemnitee**") receives notice of any claim or the commencement of any proceeding with respect to which

any other party (or parties) is obligated to provide indemnification (the “**Indemnifying Party**”) pursuant to Section 29(a) or 29(b), the Indemnitee shall promptly, but in no event more than thirty (30) days after notice such claim, give the Indemnifying Party notice thereof. Except as provided below, the Indemnifying Party may compromise, settle or defend, at such Indemnifying Party’s own expense and by such Indemnifying Party’s own counsel, any such matter involving the asserted liability of the Indemnitee. In any event, the Indemnitee, the Indemnifying Party and the Indemnifying Party’s counsel shall cooperate in the compromise of, settlement or defense against, any such asserted liability. Both the Indemnitee and the Indemnifying Party may participate in the defense of such asserted liability (provided that, so long as the Indemnifying Party is controlling the litigation, the expenses of counsel for the Indemnitee shall be borne by the Indemnitee) and neither may settle or compromise any claim over the reasonable objection of the other. Notwithstanding anything to the contrary contained herein, the Indemnitee may assume control of the defense or resolution of any such matter if the Indemnifying Party does not diligently defend or settle such matter, it being understood that the Indemnifying Party shall continue to be obligated to indemnify the Indemnitee in connection with such matter (including counsel expenses) and that the Indemnitee may not settle or compromise any such matter without the consent of Indemnifying Party which shall not be unreasonably withheld. If the Indemnifying Party chooses to defend any claim, the Indemnitee shall make available to the Indemnifying Party, at reasonable times and upon reasonable notice, any books, records or other documents within its control that are necessary or appropriate for such defense.

d. Except for Recapture Claims and obligations set forth in sections 22 and 26, no action shall be brought by either party more than one year following the Closing Date for any Losses suffered as a result of subparagraphs (a)(i), (a)(ii), (b)(i) and (b)(ii) above. Except for Recapture Claims, no party shall be entitled to recover for any Losses unless and until the aggregate claims therefor exceed \$10,000, at which time such party shall be entitled to all damages for all claims.

### 30. LIABILITIES.

a. Other than as specifically set forth in this Agreement, neither Purchaser nor New Operator shall assume or be liable for any debts, liabilities or obligations of the Seller including, but not limited to, any (i) liabilities or obligations of the Seller to its creditors, (ii) liabilities or obligations of the Seller with respect to any contracts, acts, events or transactions, except Assumed Contracts, (iii) liabilities or obligations of the Seller for any federal, state, county or local taxes applicable to or assessed against the Seller or the assets or business of Seller, (iv) Recapture obligations, or (v) any contingent liabilities or obligations of Seller, whether known or unknown by the Seller, Purchaser or New Operator (“**Retained Liabilities**”).

b. Seller shall not assume and shall not be liable for any debts, liabilities or obligations of the Purchaser including, but not limited to, any (i) liabilities or obligations of the Purchaser or New Operator to their creditors, members or managers, (ii) liabilities or obligations of the Purchaser or New Operator with respect to any contracts (other than Rejected Contracts), acts, events or transactions, (iii) liabilities or obligations of the Purchaser or New Operator for any federal, state, county or local taxes applicable to or assessed against the Purchaser or New Operator or the assets or business of the Purchaser or New Operator, or (iv) any contingent liabilities or obligations of the Purchaser or New Operator, whether known or unknown by the Purchaser, New Operator or Seller.

c. Purchaser shall have no duty whatsoever to take any action or receive or make any payment or credit arising from or related to any services provided or costs arising from or related to any services provided or costs incurred in connection with the management

and operation of the Facility prior to the Closing Date, including, any matters relating to contracts, cost reports, collections, audits, hearing, or legal action arising therefrom.

d. Except as specifically provided in this Agreement, Seller shall have no duty whatsoever to take any action or receive or make any payment or credit arising from or related to any services provided or costs arising from or related to any services provided or costs incurred in connection with the management and operation of the Facility on or after to the Closing Date, including, any matters relating to cost reports, collections, audits, hearing, or legal action arising therefrom.

**31. SURVIVAL OF REPRESENTATIONS AND WARRANTIES.** Unless specifically set forth herein, all representations, warranties, covenants and indemnities in this Agreement or in any other certificate or writing delivered pursuant hereto shall survive the Closing for a period of one (1) year, except indemnification claims with respect to Recapture claims shall survive for a period of three (3) years. Further, with respect to any matter as to which a claim has been asserted hereunder and is pending or unresolved at the end of the foregoing period, such claim shall continue to be covered by the indemnification provisions hereof, and the indemnitor shall remain liable therefor, until finally terminated or otherwise resolved.

Notwithstanding the foregoing, the Purchaser's and New Operator's representations, warranties, covenants, and obligations set forth in sections 22 and 26 shall survive the Closing for a period of ten (10) years. In the event it is established the Purchaser and/or the New Operator is in material violation of subparagraph a of section 26 of this Agreement, the Purchaser and New Operator agree that it would be extremely difficult to ascertain the amount of damages caused by such violation. Therefore the Purchaser and the New Operator agree that in the event of such material violation of subparagraph a of section 26 the Purchaser and/or New Operator shall pay as liquidated damages, and not as a penalty, One Thousand Dollars (\$1,000.00) per day for each calendar day after receipt of notice that the violation exists. The payment of such liquidated damages by Purchaser and/or New Operator shall be personally guaranteed by William Rothner and further guaranteed by Altitude Health Systems, Inc. Seller shall also be entitled to injunctive relief and/or specific performance as may be appropriate to correct a material violation of section 22 and subparagraphs b and c of section 26.

**32. NOTICES.** Any notice, request or other communication to be given by any party hereunder shall be in writing and shall be sent by recognized overnight courier, electronic mail or registered or certified mail, postage prepaid, return receipt requested to the following address:

To Seller: Office of Chautauqua County Executive  
Gerace Office Building  
3 North Erie Street  
Mayville, New York 14757

with a copy to: Stephen M. Abdella, Chautauqua County Attorney  
Gerace Office Building  
3 North Erie Street  
Mayville, New York 14757  
[AbdellaS@co.chautauqua.ny.us](mailto:AbdellaS@co.chautauqua.ny.us)

To Purchaser/New Operator: Mr. William Rothner  
 c/o Altitude Health Services, Inc.  
 2201 Main Street  
 Evanston, Illinois 60202  
 arothner@huntermgt.com

with a copy to: Stephen N. Sher, Esq.  
 Law Office of Stephen N. Sher, PC  
 5750 Old Orchard Road, Suite 420  
 Skokie, Illinois 60077  
 steve@sherlaw.net

Each such notice and other communication under this Agreement shall be effective or deemed delivered or furnished (a) if given by mail, on the third business day after such communication is deposited in the mail; (b) if given by electronic mail, when such communication is transmitted to the email address specified above if sent before 6:00 p.m. (Eastern), or, otherwise on the following business day; and (c) if given by hand delivery or overnight courier, when left at the address specified above.

**33. BROKER.** Purchaser and New Operator hereby represent, covenant and warrant to Seller that they have employed no broker and agrees to indemnify Seller against any claim for commission made by any broker employed by Purchaser or New Operator. Seller hereby represent, covenant, and warrant to Purchaser that they have employed no broker except Marcus & Millichap Real Estate Investment Services and agrees to indemnify Purchaser against any claim for any commission made by Marcus & Millichap Real Estate Investment Services.

**34. ASSIGNMENT.** No party may assign their rights hereunder without all of the other party's prior written consent.

**35. CONSENT.** Whenever the consent of a party is required hereunder, such consent shall not be unreasonably withheld, delayed or conditioned, unless such consent is given at the sole discretion of a party or as otherwise expressly provided for herein to the contrary.

**36. KNOWLEDGE.** As used in this Agreement, an individual will be deemed to have "**knowledge**" of a particular fact or other matter if such individual actually is aware or should have been aware. An entity other than an individual will be deemed to have "**knowledge**" of a particular fact or other matter if any individual who is serving as a director, officer, shareholder, partner, member, manager or employee of such person, and in such capacity has subject matter or oversight responsibility for such areas as directly encompass that particular fact or other matter, has actual knowledge of such fact or other matter.

**37. EXHIBITS AND SCHEDULES.** Each Recital, Exhibit and Schedule shall be considered incorporated into this Agreement. Any Exhibits or Schedules not completed on the execution of this Agreement shall be completed within ten (10) business days of the date of this Agreement and incorporated into this Agreement with the consent of all other parties to this Agreement.

**38. TIME OF ESSENCE.** Time shall be of the essence in this Agreement.

**39. AMENDMENTS/SOLE AGREEMENT.** This Agreement may not be amended or modified in any respect whatsoever except by an instrument in writing signed by the parties hereto. This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter of this Agreement, and the parties acknowledge and understand that, upon

completion, all such Schedules and Exhibits shall be deemed to be made a part collectively hereof.

**40. SUCCESSORS.** Subject to the limitations on assignment set forth above, all the terms of this Agreement shall be binding upon and inure to the benefit of and be enforceable by and against the heirs, successors and assigns of the parties hereto.

**41. RECITALS, CAPTIONS AND TABLE OF CONTENTS.** The recitals set forth at the beginning of this Agreement are incorporated herein. The captions and table of contents of this Agreement are for convenience of reference only and shall not define or limit any of the terms or provisions hereof.

**42. GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Each party to this Agreement hereby irrevocably agrees that any legal action or proceeding arising out of or relating to this Agreement or any agreements or transactions contemplated hereby shall be brought exclusively in the state court in Chautauqua County, New York, and hereby expressly submits to the personal jurisdiction and venue of such courts for the purposes thereof and expressly waives any claim of improper venue and any claim that such courts are an inconvenient forum. Each party hereby irrevocably consents to the service of process of any of the aforementioned courts in any such suit, action or proceeding by the mailing of copies thereof by registered or certified mail, postage prepaid, to the address set forth or referred to in Section 33, such service to become effective ten (10) days after such mailing.

**43. SEVERABILITY.** Should any one or more of the provisions of this Agreement be determined to be invalid, unlawful or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby and each such provision shall be valid and remain in full force and effect.

**44. USAGE.** All nouns and pronouns and any variations thereof shall be deemed to refer to the masculine, feminine, neuter, singular or plural as the identity of the person or persons, firm or firms, corporation or corporations, entity or entities or any other thing or things may require. "Any" or "any" when used in this Agreement, shall mean "any and all". The word "including" when used in this Agreement, means "including, without limitation".

**45. HOLIDAYS.** Whenever under the terms and provisions of this Agreement the time for performance falls upon a Saturday, Sunday or nationally recognized legal holiday, such time for performance shall be extended to the next business day.

**46. COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be an original; but such counterparts shall together constitute but one and the same instrument.

**47. NO JOINT VENTURE.** Nothing contained herein shall be construed as forming a joint venture or partnership between the parties hereto with respect to the subject matter hereof. The parties hereto do not intend that any third party shall have any rights under this Agreement.

**48. NO STRICT CONSTRUCTION.** The language used in this Agreement is the language chosen by the parties to express their mutual intent, and no rule of strict construction shall be applied against any of the parties hereto.

[Signature Page Follows]

**IN WITNESS WHEREOF**, the undersigned have duly executed this Agreement by persons legally entitled to do so as of the day and year first set forth above.

**SELLER:**

**CHAUTAUQUA COUNTY**

By: \_\_\_\_\_

Name: Gregory J. Edwards  
Its: County Executive

**PURCHASER:**

**[CHAUTAUQUA PROPERTY]**, LLC, a New York limited liability company

By: \_\_\_\_\_

Name: William Rothner  
Its: Manager

**NEW OPERATOR:**

**[CHAUTAUQUA NURSING AND REHABILITATION CENTER]**, LLC, a New York limited liability company

By: \_\_\_\_\_

Name: William Rothner  
Its: Manager

With respect to the Guaranty in Section 31 only:

\_\_\_\_\_  
William Rothner, Personally

ALTITUDE HEALTH SERVICES, INC.

\_\_\_\_\_  
William Rothner, its Manager

**EXHIBIT A****Legal Description**

All that Tract of Parcel of Land situate in the Town of Dunkirk, County of Chautauqua and State of New York, being a part of Lot No. 28, Township 6 and Range 12 of the Holland Land Company's survey, bounded and described as follows:

Commencing at the point of intersection of the center line of Temple Road as now laid out and occupied with the boundary line between the lands of one Rizzo on the South and the party of the first part on the north; running thence easterly along said boundary between Rizzo and first party 968 feet to an iron pin; thence northeasterly at an interior angle of 129 degrees 25 minutes 975 feet to a point along the northwesterly right of way line of the New York Central Railroad to a point; thence northwesterly at an interior angle of 63 degrees 17 minutes, 1583 feet more or less to the center of the existing pavement in Temple Road, as now laid out and occupied; thence southerly along said center line of Temple Road 1100 feet to the point or place of beginning, and containing 26.5 acres of land, be the same more or less.

Also All that Tract or Parcel of Land situate in the Town of Dunkirk, County of Chautauqua and State of New York, being a part of Lot No. 28, Township 6 and Range 12 of the Holland Land Company's survey, bounded and described as follows:

Commencing at an iron pin located on the boundary line between John Bolling (formerly) on the west and first party on the east, said iron pin also being located 33 feet southerly, by rectangular measurement, from the center line of the existing pavement in West Lake Road (N.Y. State Rt. 5); thence southerly at an angle of 99 degrees 46 minutes turned from a northeast direction from said center line of said West Lake Road pavement, 437.8 feet to an iron pin; thence easterly at an interior angle of 110 degrees 19 minutes, 542.9 feet to a point; thence southerly at an exterior angle of 82 degrees 52 minutes, 500 feet more or less to the northerly line of the 26.5 acre parcel hereinbefore described; thence easterly at an interior angle of 96 degrees 36 minutes, 100.7 feet along the northerly line of said 26.5 acre parcel to a point; thence northerly parallel to the third described course and 100 feet distant therefrom by rectangular measurement, 625 feet, more or less, to a point; thence westerly at an interior angle of 82 degrees 52 minutes, parallel to the second described course and distant 100 feet therefrom by rectangular measurement 586.6 feet to a point; thence northerly at an exterior angle of 110 degrees 19 minutes, parallel to the first described course and distant 100 feet therefrom by rectangular measurement 385.4 feet to a point located 33 feet by rectangular measurement southerly from the center line of the existing pavement in West Lake Road; thence southwestly parallel to said center line 101.47 feet to the point or place of beginning, and containing 3.5 acres of land, be the same more or less.

**EXHIBIT B****DUE DILIGENCE REQUEST**

This is a Due Diligence Request for Chautauqua County Nursing Home (the "Facility"), located at 10836 Temple Road, Dunkirk, NY 14048, along with all real property, buildings and improvements, personal property and intangible property owned by Seller or used in connection with the operation of the Facility. If such information is not available or not applicable, please advise.

Please upload to a data room, if practicable, or deliver all requested documents *in your possession* as the same become available to Avi Rothner, Altitude Health Services, Inc., 2201 Main Street, Evanston, Illinois 60202, [arothner@huntermgt.com](mailto:arothner@huntermgt.com) and Stephen N. Sher, Law Offices of Stephen N. Sher, 5750 Old Orchard Road, Suite 420, Skokie, IL 60077, [steve@sherlaw.net](mailto:steve@sherlaw.net). Any delays in providing the information could require us to request an extension to the due diligence deadline. If you should have any questions regarding the information requested, please do not hesitate to contact us.

	Status
<b>I. <u>Operating Matters</u></b>	
1. All current licenses, permits, certificates of need, certifications and accreditations related to the operation of the Facility.	
2. All contracts related to the operation of the Facility (including service contracts).	
3. Any documents or correspondence related to non-compliance in the following: (i) Medicare and Medicaid; (ii) operating and functioning of a skilled nursing or assisted living Facility; (iii) any state licensing agencies; and (iv) all applicable provider agreements, laws, rules, regulations, policies and procedures as applicable to nursing Facility.	
4. Monthly Census figures for 2010, 2011 and 2012 (year to date) sorted by Medicare, Medicaid, VA and Private Pay.	
5. Current list of all residents who are Medicaid pending with current status of each resident's application. List of residents that have received 30-day discharge notices.	
6. Copy of face sheets for all residents including bed holds.	
7. Last year of MDS Quality Measure/Indicator Reports.	
8. List of all material suppliers and contact information.	
9. List of Therapy Services provided in the Facility and rates charged.	
10. Promotional materials, sales literature and other advertising documents distributed to potential residents.	

	Status
<b>II. <u>Real Property, Assets and Leases.</u></b>	
1. Copies of any existing physical inspection or structural engineering reports on the Facility, if any.	
2. Blueprints and floor plans of the Facility, with room numbers and room descriptions, including square footage, bed capacity, types of units and licensure requirements.	
3. Any environmental permits or waivers (including LSC Waivers). Copies of any previous environmental assessments, including Phase I or II studies. Documents relating to the existence of any underground or above ground storage tanks.	
4. Copies of any existing title policies and ALTA surveys for the properties, including any evidence of the number of striped parking spaces.	
5. Copies of any existing appraisal reports for the Facility.	
6. The most current real estate tax bills for the Facility and any information and documentation related to any contest of tax assessments.	
7. Any zoning information regarding the Facility (zoning letters, waivers, variances, etc.).	
8. List of any non-resident leases (e.g. beauty shop) and leased equipment.	
9. A copy of the form lease and residency agreements, including a list of any special payment agreements or non-conforming contracts with any residents of the Facility.	
10. Listing of any portion of the Facility or equipment therein that is not in good working order and condition and any construction or other material renovations which are currently ongoing or planning to commence within the next six months on any of the premises.	
11. List all Capital Improvements during the last 5 years and related costs for the Facility.	
12. Any proposed <u>excluded</u> fixed assets, personal property and equipment currently being used in the operation of the Facility (e.g. vehicles or leased equipment).	

	<b>Status</b>
<b>III. <u>Licensure, Certification and Other Regulatory Matters.</u></b>	
1. Medicare and Medicaid Provider Agreements, VA Contracts and Managed Care Contracts, and all other third party payor agreements related to the operation of the Facility.	
2. Any application received pursuant to Notice provided for the assignment of or application for a new Medicare and/or Medicaid Provider Agreement, as well as any and all other third party payor agreements in regard to the operation of the Facility.	
3. Copies of all Annual and Complaint Surveys (last 3 years), with Plans of Correction, Determination Letters, Enforcement Decrees, Waiver Requests and Appeals, if applicable, including latest letter of substantial compliance, related to the operation of the Facility.	
4. Copies of all Life Safety Code Surveys (last 3 years), with Plans of Correction, Determination Letters, Enforcement Decrees, Waiver Requests and Appeals, if applicable, including latest letter of substantial compliance, related to the operation of the Facility.	
5. Any reports or complaints that may have a negative impact on any Facility relating to any federal regulatory agency and all foreign, state and local agencies performing similar functions.	
<b>IV. <u>Accounting, Financial and Insurance Matters.</u></b>	
1. Year-end and monthly Financial Statements for the prior two years ending December 31.	
2. Medicaid, Private, Medicare and RUG Rate Sheets, Medicare and Medicaid Cost Reports (last 3 years), including current Medicaid Rate Letters and all other reports and notice for any and all third party payors for the Facility.	
3. Medicaid Vouchers, Medicare Remittance Advices, Medicaid Pre-Payment Reports, UB92's/UB03, and Medicaid Transaction Reports for the last six months.	
4. Accounts Receivables Aging Report and Accounts Payable Report as of September 30, 2012 (or most recent).	
5. Trust Fund Account and Balance and Administration procedures.	

	<b>Status</b>
6. Medicare, Medicaid or other third party payor overpayments or audit amounts, bed taxes and civil monetary penalties.	
7. Copies of any reports which have not been either paid or repaid in full or duly and timely filed which have been required to be filed with any cost-based or other form of reimbursement program or other third-party payor; any Medicare or Medicaid cost reports which remain open; any noncompliance with federal and state laws relating to (i) anti-kickback, false claims and fraud and abuse provisions and (ii) the referral of residents to the Facility operated by the operator of the Facility.	
8. Copies of any requested cost reports extensions or delinquencies.	
9. Copy of the current year Insurance Policy with Declaration Sheets and related costs, as well as copies of Insurance Loss Runs (last 3 years) for the Facility.	
10. Current Rate Schedule and copies of Bureau of Workers' Compensation Runs (3 years), rates and payouts for the Facility.	
11. Current Rate Schedule and copies of Bureau of Unemployment Runs (3 years), rates and payouts for the Facility.	
12. List of all non-resident care revenue to the Facility (e.g. vending machines).	
<b>V. <u>Legal Matters.</u></b>	
1. List of current litigation or lawsuits.	
2. All consent decrees, judgments, settlement agreements or similar matters which may have potential impact on the Facility or its assets.	
3. Notice or any other written documentation not already requested with respect to any pending or threatened actions, investigations or disputes with any governmental agency.	
4. If there is a union, provide copies of all collective bargaining agreements to which the Facility are a party or by which they are bound, including any side letters.	

	Status
<b>VI. <u>Employment Matters.</u></b>	
1. Employee listing by departments and positions, including rates of pay (broken down by employee) for the Facility. Copies of payrolls for January 1, 2012 to current. Copies of 2011 and 2012 (year to date) Quarterly Federal and State Payroll Returns. Please indicate if all withholding taxes are paid to date.	
2. Current Health, Disability, Life, 401k, Bonus, education assistance or other employee benefit plans or programs.	
3. Employment, consulting, compensation or other agreements or arrangements to which any employee of the Facility is a party.	
4. All other employee compensation, bonus, incentive, benefit life or health insurance or similar plans applicable to the Facility.	
5. Staffing patterns for all shifts.	
6. All corporate policy manuals, including those covering hiring, regulatory compliance and internal controls.	
7. List of agreements (oral or written) with management, medical director or other personnel, other than employment agreements, with the Facility.	
8. Schedule of accrued vacation, sick pay and other accrued employee liabilities for all employees entitled to same for each Facility.	
9. Quality Assurance Meeting Reports for last year.	
10. Any outstanding New York Department of Health violations or other state or local building, fire safety or health authority violations.	

RES. NO. 31-13  
Resolution of Intent to Sell the Chautauqua County Home

By Human Services and Audit & Control Committees:  
At the Request of Legislator Larry Barmore and Legislator Fred Croscut:

WHEREAS, the 2013 tentative budget projects a \$3.3 million operating deficit for the Chautauqua County Home ("the County Home") which would be offset by continuing IGT and County taxpayer subsidies; and

WHEREAS, because of the current fiscal climate which exists within the County, State, and United States, as well as the continued burden of unfunded mandates coupled with New York State's mandated 2% tax cap, Chautauqua County can no longer sustain and afford a \$3.3 million operating deficit at the County Home; and

WHEREAS, pursuant to Resolution 225-11, the marketing firm of Marcus and Millichap was selected to seek proposals for the potential sale, lease, or other disposition of the County Home; and

WHEREAS, in response to a request for proposals ("RFP") issued on behalf of the County by Marcus and Millichap, two proposals were received that met the required criteria set forth in the RFP; and

WHEREAS, pursuant to Resolution 189-12, the County Legislature selected one of the two proposals received by Marcus & Millichap, and requested the County Executive to negotiate a contract for sale of the County Home with Altitude Health Services, Inc. for a lump sum of \$16.5 million; and

WHEREAS, pursuant to Local Law 7-75 of the County of Chautauqua, a vote of two-thirds of the total membership of the County Legislature is necessary for the sale of County-owned real property; and

WHEREAS, a proposed contract has been prepared and presented to the County Legislature for sale of the County Home to the corporate designees or affiliates of Altitude Health Services, Inc., but the proposed contract has not yet obtained sufficient support for approval by the County Legislature; and

WHEREAS, to assist further marketing efforts by Marcus and Millichap, it would be appropriate for the County Legislature to declare its intent to sell the County Home; and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared for the sale (the "Action") of all of the real property, buildings, equipment, furnishings, and other personal property (collectively "the Property," and being known as tax parcel 95.02-1-15 on the Chautauqua County Tax Map);

WHEREAS, the County has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and accordingly does not require a coordinated review; and

WHEREAS, the County has reviewed the EAF, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the Action entails merely the transfer to the Purchaser of the ownership of an existing operating facility and associated property with no change to the environment or facility operations, such that the Action will not result in an adverse impact to the Property, will not adversely

affect any water body designed as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse effect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, there will be no adverse impact from the Action or on the growth and character of the community or neighborhood, and the Action will not exceed any of the criteria in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That due to the current fiscal challenges facing County government, including the continued strain of unfunded mandates and the continued projected financial losses at the County Home, and given the proven capability of the private sector to operate high quality skilled nursing facilities, it is no longer in the best interest of the County to own, operate, or maintain the County Home, ~~and the Property is surplus and no longer necessary for public use~~; and be it further

RESOLVED, That it is the intent of the County Legislature to sell the Property as soon as reasonably possible, and the County Executive is requested to authorize Marcus and Millichap to continue its marketing efforts for the sale of the County Home.

Signed: Tarbrake, Horrigan, Hemmer, Runkle, Nazzaro, Borrello, Himelein (H.S. Hoyer & James voting "no") – (A.C. – Heenan and DeJoe voting "no")

MOVED by Legislator Coughlin, SECONDED by Legislator Whitney to amend by striking in the 3<sup>rd</sup> RESOLVED, "and the Property is surplus and no longer necessary for public use". – Unanimously Carried

Adopted as amended - R/C Vote: 18 Yes; 6 No; 1 Absent – (No's: Ahlstrom, Coughlin, DeJoe, Heenan, Hoyer, Scudder) – January 23, 2013

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## 2<sup>nd</sup> Privilege of the Floor

Mr. David Fagerstrom, Cherry Creek, N.Y. I just want to thank the Legislature for making the right choice tonight.

Mr. Ben Haskin, 1982 Peck Settlement Road, Jamestown, NY. I would also like to thank those Legislators who made the right decision tonight.

My name is Bonnie Peters, I live at 8237 Glassglow Road, Cassadaga, N.Y. I don't doubt that for any of you this was a hard decision. However, I want to thank you as a body for doing what is right for the people of Chautauqua County. Not just the Home, not just the workers, but for the people of Chautauqua County. Thank you.

**Strikethrough Indicates Deletion**

My name is Antoinette Snyder again and I want to thank all you ladies and gentleman and I hope you all go all the way with the no vote because it is the right thing to do and you will never be sorry. Thank you.

I'm Susan Baldwin, Villenova and again, another thank you from me. It's been a long, long decision and so much consideration has been put into it and I appreciate it very, very much. Thank you.

Randy Scrivens and I am back to thank you guys for what you did. Like I said, my Dad was a Veteran, he fought to give you guys the right to vote however you felt was right. Whether I agree with you or not, you guys got the knowledge that I don't have and thank you. My Dad isn't the only person in there I know. There is three other guys that I have worked with throughout my life that are in there. Two of them are in the ward where my Dad is where it's dementia and one other fellow is upstairs that has had epilepsy all his life and he needs their care. Thank you all and it's been great being here, a new experience for me.

Legislator Whitney: We're still under contract with Marcus & Millichap to the end of 2013 and I hope that they do a lot better job finding a buyer. If we are going to have a buyer I would encourage Mr. Edwards to get out there and start negotiating with CSEA and Mr. Hellwig, keep implementing the CGR report as we move forward.

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned.(8:30p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, February 27, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: James)

Legislator DeJoe delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Wendel and duly carried the minutes were approved. (1/23/13)

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1<sup>st</sup> Privilege of the Floor

Karen Angstrom Harvey, Mayville. I am speaking to the proposed sale of the Chautauqua County Nursing Home. William Avi Rothner stated to this body, that he preferred that you look at five nursing homes, two in Nebraska, Lancaster and Homestead and one in Kansas, Golden Plains and two in Arizona. The State of Illinois now has compulsory disclosure records regarding nursing homes. This disclosure which I have given you each a copy of, it's on your desks, lists Rothner family nursing homes. For nursing homes held in common, this documents shows column one, owners. In that column is the name of Eric Rothner and William Rothner and other family members. Along with the 26 nursing homes that are listed there, there are three more, Lancaster, Homestead, and Golden Plains. In the owners column of course, you do see these two people who happen to be related. One is father, one is son. The related nursing homes on this list including Lancaster, Homestead, and Golden Plains, also include one more that we know much about. Rainbow Beach Nursing and Rehab Center in Chicago. There is an excerpt from the Chicago Tribune, April 16, 2012. Rainbow Beach had seven allegations of criminal sexual assault abuse since 2008. More than any other Chicago nursing home. The for-profit facility received roughly \$8 million dollars per year for Medicaid, for five years, ending in 2010. Recorded profits totaling of \$2 million dollars. Paid \$3.8 million dollars in dividends and distributions to the owners. The Home additionally paid companies associated with the Rothner family, for services relating to clerical work to consulting, as well as \$1.5 million dollars in annual rent to himself for the property that he owned. The facility is also among the highest number recorded by the Chicago police for assault and battery allegations. The official for the State Attorney General's office, Ann Spalane(?), said, and I quote her, "this is a nursing home with a track record of serious violations." Eric Rothner was listed as the majority owner but the facilities ownership is now managed by two of Rothner's relatives for the benefit of a private trust. In partnership with close relatives, the Rothner's have an ownership stake in 29 facilities in Illinois and in four other states. One of those was Summerset Place in uptown Chicago. It was the largest facility until the State shuttered it because of violations. The Tribune has reported on allegations of sexual assault, violence, and drug abuse as well as the slaying of one resident who had been trading sex for cash and using cocaine. End quote from the Chicago Tribune. Mostly, these are caused by lack of staff.

Chairman Gould: Your three minutes are up, thank you.

My name is Rich Digirolamo, I live in the Town of Ellicott and I want to thank the Legislators that voted to pass this resolution, to send it to Governor Cuomo but to the three that didn't, I would like to say something. It is up to us and all are supporters of the second amendment to spread the truth to all New Yorkers that we have to stop Governor Cuomo administration and make history together. We must now, not only to save our guns, but to save our heritage and our values. The future of America depends on it. Defending the Constitution requires more than lobbying Legislators

or winning arguments in the courts. We need to stand up against Governor Cuomo who is willing to ignore our Constitutional rights and to misuse his power and authority to make us suffer for our beliefs and faith in the traditions and values that made the United States of America the greatest country in the world. Thank you.

My name is Nolan Akin, from Jamestown and I am here speaking tonight on behalf of the organization TARA. That is True Americans Restoring America. I too would like to thank all of you tonight who voted to send the measure to Albany. I would like to provide some positive reinforcement and maybe a little message to those who voted no. I would like to start with a quote from Dr. Martin Luther King Jr. "History will have to record that the greatest tragedy of this period of social transition was not the strident clamor(?) of the bad people, but the appalling silence of the good people." Dr. King is rightly held to be one of the greatest leaders of the Civil Rights movement in our history and he taught us a great many things about ourselves. Chiefly he taught us that we do not discriminate. We do not imprison all members of any particular race simply because a handful of members of that race commit a crime. We do not tell homosexuals that they cannot enjoy the benefits of marriage. We do not disbar women from having any job that a man can have nor do we offer her lesser pay. We have known from our youngest years that discrimination is unacceptable. Despite that, Andrew Cuomo, 43 New York State Senators, and 104 New York State Assembly people have committed an egregious act of discrimination. When Cuomo presented the New York SAFE Act, he urged the Legislature to resist the pleas of extremists. It is a sad and disgusting thing to wake up in America where those who vehemently adhered to and defend the Constitution are vilified, cast out, and labeled as extremists. I am sure you have all heard of a thing called *habitus corpus*, show me the body. We are all innocent until proven guilty by evidence not by rhetoric. We are all Constitutionally guaranteed the right of due process. However, they have effectively eliminated due process by insinuated that the (*inaudible*) private property of good people has been used to cause violence or that those people themselves are a violent threat to society. The SAFE Act will only serve to further depress the upstate region as it forces millions of responsible workers and businesses to flee to a state that might look a little bit something more like what America was meant to be and it persecutes, punishes, and ostracizes millions of law abiding, taxpaying, hardworking, innocent New York residents. Those who were once called heroes and patriots have been cast out in the cold by this shameful law. Thank you very much and like I said, I just want to reinforce those who have voted yes and those who voted no, I hope that gave you something to think about. Thank you.

My name is David Leach and I live in the Town of Ellicott. I had questions about the financial conditions of our County Home and the drive to sell it. For answers, I talked to four Legislators. Three of them support the sale and one of them is opposed. As I tracked the debate over the 2013 budget, it seemed that the County Home was both the cause of and the cure for the County's budget woes. When I talked with Mr. Barmore on November 12, 2012, he quickly assured me that our County Home wasn't contributing one thin dime to the 2013/2014 budget shortfalls. Naturally I wanted to know the cause of our budgetary problems. I was told in essence that people have an appetite for services and distaste for taxes unless expenses exceed revenues. On November 12<sup>th</sup>, I also found out that more than \$14 million dollars in IGT funds have been used to pay for the operation of our County Home over the last five years. As I understand it, this sum has been averaged out over five years and divided by 365, to come up with a daily operating loss of between \$8 and \$11,000. And yet these supposed losses don't show up in the County budget deficits. With further investigation and info provided by an article in the PJ, I determined that the IGT money has been a regular component of the revenue streams used to fund the operation of the County Home for far longer than 5 years. There doesn't seem to be any basis and fact for claiming that if IGT revenues are used to fund the operation of our County Home, then the use of those monies demonstrates that our excellent facility is losing money. After all, it is not as if these IGT funds weren't used to provide Home residents with the excellent care and attention, our publically owned facility and its staff is known for. The people of Chautauqua County received an excellent return on their investment. Certainly, no member of the staff or management was using IGT money to engage in money laundering. No one on the staff or management was convicted of criminal money laundering and paid

a \$2 million dollar fine. No resident of the County Home was treated like the residence of the Rainbow Beach facility in Chicago. When I expressed my concerns about the articles in the Chicago Tribune related to the Rothner's business and their partners, Mr. Barmore assured me that William Avi Rothner and AHS were beyond reproach and that quote, the fathers partners are scoundrels.

Chairman Gould: Your three minutes are up sir.

My name is Cody Britton, Dunkirk, N.Y. I have since the spring attended many of your meetings, mostly for the purpose of better understanding the tough decision we have as a County to privatize the nursing facility in Dunkirk. It's a challenging and complicated issue and I appreciate all the extra hours you have invested in making this important decision. From the formation of the Ad Hoc Committee to the investment into the CGR report, to the forum of the prospective buyer, I, as both a taxpayer and a citizen have been comfortable with the measures this Legislature has taken so far, in order to come to a reasonable conclusion. What I am not comfortable with is the concept of wanting to change a law when that law does not get you the change that you want. I understand that a law was passed in 1975 to safeguard our assets from the special interest of a simple majority. Having a minimum of two thirds majority to affect the sale of County assets is also something that I as a citizen and taxpayer are comfortable with. It just makes good sense. What does not make good sense is that a law of almost 40 years be reversed for the sole purpose of doing exactly what it was designed to do to protect the citizens of this County against. I understand that this Legislature tonight may bring to the floor a resolution to amend that law for the sole benefit for liquidating the Chautauqua County Home. I also understand that all of you are completely able to do this without any legal consequence. Though this governing body has a right to, I ask all of you tonight if it is right to. What is the message that is sent with this methodology is employed in order to realize your short term goals. What are the unintended effects of this reversal. The fact is that you cannot guarantee the future lawmakers won't take advantage of a reckless decision of this nature as you here tonight look to take advantage of the way this law was written with little regard for its principal. For that reason, I ask all of you who are in favor of reversing this important law to consider whether or not your support is directly connected to the sale of the Home. If it is, instead of changing the law, why are you not changing the minds of your colleagues? Why you need 17 votes and you don't have 17. If selling this enterprise is the right thing to do then it should not be any trouble for you to convince your fellow lawmakers. Convince them and convince the citizens that selling our County Home is the right thing to do and now is the right time to do it instead of leaping through a political loophole to get your way. I think it is important to note though I personally believe that we have an obligation to keep the Home as it is the mechanism we have chosen for meeting the needs of our elderly infirmed, I also believe that if there is a way to deliver the same quality of care at a lower cost than it should be explored. Considering this, those wishing to privatize the Home should allow diligence it's due. Take good advice that the taxpayers spent \$80,000 for, implement the cost saving revenue generating measures outlined, organize a control board to oversee –

Chairman Gould: Your three minutes is up.

Mr. Britton: - it's (*inaudible*), excuse me – should the County Home not be able to make favorable improvement after one year, then it should not be hard for the Legislature to find overwhelming vote for privatization.

My name is Linda Chase, I am a Dunkirk resident and I would like your permission to take the microphone to a County Home resident.

Chairman Gould: Of course.

My name is Joe Carrus, President of the Resident Council at the Chautauqua County Home. Are those County Legislators who voted for Avi Rothner, voting with a true conscience for him as a buyer of the Chautauqua County Home? After knowing his record of negligence and abuse, do

they really believe they can trust him to see to it that the residents have good care here. Let's look at the record. Rothner's name appears on a list of 10 worst nursing home operators in Illinois and reported by a Chicago reporter. Also Rothner has a financial stake in these companies that have a track record of abuse and neglect. When asked whether Altitude makes a profit out of purchases of nursing homes, Rothner represented Altitude Company replied, Altitude does not own the nursing homes. That owner would be an entity, a New York State entity that would operate the nursing home (*inaudible*) to own the real estate. Really there are two of limited liabilities companies. One that owns the property and one that runs the operation. This causes one to wonder, who would be responsible for enforcing the 14 proposals set by the County Legislature to ensure proper operation of the Chautauqua County Home. Would that be Altitude Services or an entity? The limited liability company. Also, who is going to oversee (*inaudible*) residents or families of the Chautauqua County residents over the years and pay more taxes perhaps than any Chautauqua County Legislature might pay. Would you deprive them of a descent retirement atmosphere in their declining years? One day you will wish the Chautauqua County Legislature might be a resident of the Home. Would you not want a peaceful and caring place? To thy once self be true and as night follows days, you will not be false to any man.

My name is Bonnie Peters, Cassadaga, New York. You have heard me speak a number of times so instead of speaking for me, I was given a letter by a Reverend Carol Wilson and asked to read it to you. It's in reference to the Delaware County nursing home that they sold and after 6 years they private entity just walked away from it and this is her letter.

To the members of the Chautauqua County Legislature. My name is Reverend Carol Wilson and as the Pastor of the Charlotte Valley Presbyterian Church in Davenport, New York, I visited regularly with several of my congregation who were residents at the Countryside Care Nursing Home in Delhi, New York. I lead regular worship there for 5 years and so I became very close to a number of the residents. Now that they carnage of Countryside is over, it is vital that we recognize and remember the destruction of trust and the devastation of lives that the abandonment of this residence has caused. After weeks of rumors that the residence was to be sold, suddenly New York State officials announced that it would be closed in two weeks. Everyone familiar with this area knows that there is sad lack of nursing home beds and the immediate transfer of a loved one was impossible. So the State contracted with a conglomerate which has brought up a number of facilities throughout the State and granted them a waiver to accept residents without the appropriate documentation or screening. These nursing homes are spread throughout the State and Countryside residents were sent to Albany, Amsterdam, Courtland, Rockland County and perhaps as far away as the Pennsylvania border. Making regular visitation impossible for most family and friends. The selection of placement was made by a State Tribunal whose members had no knowledge or responsible for residents emotional wellbeing. To visit Countryside during the forced evacuation was to find residents in wheelchairs, clutching vanilla envelops with their clothes and possessions stuffed into plastic bags around them, pushed into vans and driven off leaving dedicated staff members watching and weeping. Anyone who was not a power of attorney or designated next of kin, would not be told where resident destination, even as they kissed them good bye. To visit was to find staff holding onto each other in the lobby, unable to speak through their grief and anger. It was to set in barren rooms with residents not yet moved hearing the same question over and over again. Where am I going and when am I going? I know of only one person who had power of attorney and worked 15 hours a day visiting every person in every facility in the immediate area begging for a placement and unable to find a bed for a resident. The move was almost thwart because personnel at Countryside who essential –

Chairman Gould: Your three minutes are up.

Mrs. Peters: Please know that this was not me, I wanted to speak to you about other things, it was important and I'm sorry that you were not able to hear the whole thing.

I would like to thank you all for your service to the citizens of Chautauqua County and for giving me an opportunity to speak tonight. My name is Michael Bidderoff(?) and I have been a resident of Kiantone since 2008 when I moved here with my wife Annette from the State of Oregon. There were several factors in our decision to move here which included being close to her family. Our transition to Chautauqua County was a bit rocky at first but as times passes this place feels more like home. However, after seeing how Governor Andrew Cuomo and others went about passing the SAFE Act, I am again wondering if we made the right decision moving here. As an English major, I learned from the Ancient Greek orators that there are three appeals of argument and that all three should be implored for a solid argument. The three appeals are logos or the logical, ethos or the ethical, and finally pathos or the pathetic or emotional. What I witnessed from Albany concerning this bill only pathos was employed. On the night of January 14<sup>th</sup> of this year, Annette and I were watching YNN and its live coverage of the State Assembly anticipating the proposal of the SAFE Act. Growing tired, we went to bed only to discover in the morning that the Assembly had passed the poorly planned, poorly thought out and most erroneously executed bill. Why do I feel that this bill was erroneously executed? Because my representatives and its citizenry were denied their New York State Constitutional right to view this bill under Article 3, Section 14. The article states, no bill shall be passed or become a law unless it shall be, have been printed and upon the desks of the members in its final form, at least three calendar legislative days prior to its final passage unless the Governor or the acting Governor shall have certified under his or her hand the seal of the State and the facts which in his or her opinion necessitate an immediate vote therein in which case it must never the less be upon the desks of the members in final form, not necessarily printed, before its final passage. So the Governor exercised his Constitutional right but the citizenry was denied. In my opinion, this was unfair to the citizens because we were not given any time whatsoever to make logical and ethical decisions based on what was in the bill. It was all heart and emotions and not ethics and logic that passed that bill. I was going to say, please do the right thing, but you have. Most of you. I think it would be important for you to send a message to Governor Cuomo in Albany that the citizens of Chautauqua County do not care for these type of tactics when it comes to our Constitutional rights. Let me remind you all –

Chairman Gould That is your three minutes.

Mr. Bidderoff: That we are citizens and not subjects.

My name is Reva Byczynski, 616 Brigham Road, Dunkirk, New York. I am a homeowner and taxpayer in Chautauqua County. I would like to finish the letter from Reverend Wilson. (*Inaudible*) closing of the Countryside has created deep trauma in the lives of fragile individuals and those who loved them. One cast out resident who became disoriented and bitter after the closure has died. Another has decided it's better to leave his family and friends behind because he is afraid to move again. Some families and friends have been working long and diligently to bring their loved ones home and there are parties of reunion whenever a familiar face is seen again. It is galling to hear government and management now say that other nursing homes in the area are facing sale, abandonment or closure. Possible creating another catastrophe, lives with certainly be shortened, (*inaudible*) will be damaged upon repair, frail and ill elderly will suffer a loss of any sense of safety and care. I urge families and Legislators to be diligent that plans are not being made to close the Home of hundreds of fragile individuals or to alter the standard of care that will be available through them so that New York State will be forced to close them. To put so many people through such agony is unforgivable. Thank you for your attention, Reverend Carol Wilson.

I, myself, am asking you to do your due diligence, not give into the pressures of this administration, to vote no on resolution 30-13 on the sale of the County Home to Avi Rothner. I am asking you to put the cost saving measures in place that have been suggested the last three years. This Home has been purposely been underfunded by Mr. Edwards, to look at it as if it is not a viable asset to this County. I also wish to speak on the law in place since 1975 for a supermajority. Just because this administration doesn't get his way, now you want to vote to end the safeguard that has been in place for 37 years. At that time, it was a 23 to nothing vote. So one party is currently in the

majority cannot just sell a County entity. I am asking you to vote no on changing that law. Remember you are also public servants and you have an obligation to take care of our most vulnerable population.

My name is Mindy Kaufman, Dunkirk. From the very beginning we have constantly heard that the taxpayers cannot afford to financially support the County Home. If we can't afford on average approximately \$2.00 a month, then how are we expected to afford a for-profit long term care nursing facility. While the for profit facilities in our area do except Medicaid, they are much more selective in their admissions process. Medicare does not cover all long term care expenses and private health insurance does not cover all long term care expenses so a supplemental insurance is needed or you will pay out of pocket for your healthcare. If you are supplemental insurance is Medicaid and the cost of your care exceeds the reimbursement to the facility, then as Mr. Rothner himself stated, we can't take just anybody. It's a business. If we don't make a profit the doors will close. So out of curiosity I decided to research the cost of long term care insurance. While there were many different variables associated with it, I did try and search for the cheapest policy. If I were to purchase long term care insurance at the age that I am at right now, the average cost for such a policy is approximately \$300 a month. That is \$3,600 a year. I also found that the older you are, the higher the premium. If we can't afford \$2.00 a month, I have no idea how we can afford \$300 a month. So while you may feel that selling the County Home is the best thing to do for the taxpayers of Chautauqua County, what happens in the long run, what happens when people fall through the cracks because they can't afford long term care insurance or the cost of their care exceeds the reimbursement the private facility needs for that bottom line profit. What happens when the safety net is gone? As leaders and representatives of the people of Chautauqua County and the Chautauqua County Home residents, is it no longer your responsibility to care for them, provide for them, serve them, and protect them? In the end, I simply ask you to remember this, that should you ever need long term care and the people around you are angry about what it may cost them, even if it's only \$2.00 a month, then not only have you set this example for them, but you have lead the way.

My name is Judy (*inaudible*), I live Fredonia. Some of you might know me or at least have heard of me because I have come before this Legislature before as a strong supporter of the County Home to remain County owned and operated. In my values and faith, I believe a budget is a moral document. Shown where our priorities are as people. In this, I can think of no better use of my tax dollars than to care for our most vulnerable citizens. I believe that it is the right and moral thing to do, I am proud that some of my taxes goes to those in most need. However, I also recognize that we cannot operate the County on just what we think is a good idea. We must take into consideration the actual cost to the taxpayers for providing such a service. With this in mind, I have read the budget and the report prepared by the Center of Governmental Research who we hired to do a thorough report on the Home, the feasibility of maintaining it as a public facility, recommendations on whether to sell or keep it, and ways to cut costs if the County were to continue to operate it. Given that, I do not know where the figure of loss of \$9,000 a day is coming from. I could not find this in reviewing the budget. This figure is in direct conflict with the report from the Center of Governmental Research and that report, which I quote, "the County Home is not the major drain on taxpayers that many have assumed. Even factoring in the County match required to draw down the IGT funds, the County Home has generated a small average net annual surplus of \$110,000 a year, since 2007. These figures are (*inaudible*) in recent media reports which have been based on a single worst case years taken out of context and or calculations made without factoring the infusion of federal IGT funds." Now, I was just recently told that \$9,000 a day comes from adding in the County match money with the IGT funds and dividing it by 365. –

Chairman Gould: Your three minutes are up.

Mrs. ?: Well, my last thing is, do not change this law. It is a safeguard and a protection for all of us that are in the minority and just like I tell my grandchildren, if they are losing at a game, you can't change the rules.

Mr. Todd Tranum, I am here representing the Chautauqua County Chamber of Commerce, the Manufacturers Association. We have an office at 10785 Bennett Road and an office in Jamestown at 512 Dunkirk. I know that you have a long evening here so I am going to try and be as short and concise as possible. Our position regarding the County Home has been clear from day one. This is an issue about saving jobs, maintain important services for our elderly and making the Home financial viable so that it is no longer a burden on a Chautauqua County taxpayer that is already caring a very, very heavy burden. There is only one solution that answers those three issues and that is to privatize the Home. The County Executive, this legislative body has done an enormous amount of due diligence and we give you credit for that and the hard work in some agony that you have put into this issue. But your due diligence through CGR and that study as well as an independent audits have told you that financially things are bad and they are getting worse. Your due diligence has told you that New York State has made it impossible to diversify the types of care offered at the facility to make the facility financially viable. Your due diligence lead to an RFP process that contained a variety of stipulations to protect the workers and the residents. Your due diligence brought forward a market value and your due diligence brought forward a buyer. Now unfortunately for some on this Legislature that is where due diligence stopped and politics and emotion took over. We have a private investor who wants to do business here in Chautauqua County and what do we do, we give him a public flogging. It's not fair and it's not right and it's an insult to private investment. But unfortunately to many times over the years it has become the norm here in our community to scare away and private investment and then we turn around and we wonder why aren't our kids staying here. Why is the tax base declining? Why aren't new businesses coming here? Why aren't our businesses growing? We're doing it to ourselves folks.

My next comment I am going to promise with what I think we all believe in now and that is that the employees at the County Home do a great job. It's a beautiful facility that this County has made enormous investments in. But we took a look at the Medicare data and it tells us that William Rothner is a capable operator, equal to, and in many cases, better than our own operation. Some here have linked William Rothner to other properties operated by his father and his father business partners. But you know what, you take a look at the ranking of those homes and they are equal to or better than our own operation here in the County. So we ask you to make the best of this opportunity that you have in front of you. Do the right thing for everyone involved and sell the Home to Altitude.

My name is Randy Scrivens, I'm from over in Westfield. I spoke last month here about my Dad being in the nursing home. He's passed away since then so I am here tonight on my own behalf so you don't think that I was just here because of him and he was in there and now that he is gone, it doesn't matter because it still think it does and I think by selling it, I think that you are making a mistake. I think there was mistakes made years ago when it was in Dewittville and it was somewhat self-sufficient with the farming and the gardens that they had, the dairy and other things that I have come to find out they did. Well, as far as I am concerned they made a mistake back then and I think you guys are about ready to do it again. The thing that surprises me is you can understand what the Governor has tried to run through and yet you want to change the law so you can do something very similar as far as I am concerned. It doesn't matter how you do it to get what you want. You are here to represent people and if you can't do it by getting the vote in the way things were set up, are you doing to change it tonight or whenever and then change it back again, that is no way to run any kind of a government. But, thanks for doing what you did on the fun thing and that I all that I have to say.

My name is Rita Koharski, I have spoken a couple of times during these meetings. Last night I had the privilege to talk to a couple of Legislators that I called and I brought up the situation of the reputation of Rothner. I was told that it's all lies, lies, lies. That is my exact words. It can't be lies, lies, lies. It's got to be on paper somewhere from what I understand. Two million was paid out for a certain situation that happened. I don't consider myself savvy in politics but it was just a runaround the mill that this man that wants to purchase the County Home has a terrible, terrible reputation. If that is how you feel you should sell it for your family members in the future, you are going to do what you are going to do. I would not want my family members in that situation where there has been so

many allegations of different abuse or whatever it may be. But it's on paper somewhere so when it's lies, lies, lies, I find a hard time believing that. Thank you for your time.

Hello, you all probably know me, I'm Susan Baldwin, I'm from Villenova and I've come, yet again, because yet again, you guys are dragging out the County Home. You decided to not sell it and then you – oh, well, we'll just change the law and then it will be able to be sold. Aren't we seven. I mean, seriously. My granddaughter does a better job of trying to make things happen with her own little brother than you guys are doing with these laws. Thirty seven years ago they made a law because there illegal happenings and dangerous politicians. This was Watergate time, this was a lot of bad stuff going on and then you guys think well now we have a halo so we would make a decision that would hurt someone. Well, you are. You all are. Each one of you represent 5,000 people, each one of you. Do the math. It is more than 5,000. Did anybody get even 500 calls to sell the Home? Yet you are saying your constituents want it sold. I don't think so. I think you guys have made up your mind, you are going to march right down through, set a fire to this and say there. Well, it is not going to happen. We will keep on fighting. It's just wrong. You guys have to think about it. It's just wrong. Five thousand people for you, and you, and you, and you. Each one of you.

Chairman Gould: Keep your comments toward me.

Ms. Baldwin: And you too, you have 5,000 people too.

Chairman Gould: Address me, please.

Mrs. Baldwin: Yes, well, sir you have 5,000 people, are you listening to them?

Chairman Gould: I have more than 5,000.

Mrs. Baldwin: Well, there you go. So, how can you really say that you are doing us a simple majority when you are not looking at your 5,000 people or more, like you said. Again, I say, you guys have been played. Have a nice day.

Laura Damon, North Lake Informed Citizens. I tried to communication well as a retired English teacher, I tried to teach communicating well. I am sure when you were campaigning, you worked at communicating and receiving communication very well. In the past few months, you have heard from patients, from employees of the nursing home and now we're hearing from Chicago that the possible buyer has a very questionable reputation. Communication is important and you have heard for months from people who advocate keeping the nursing home. It's good, it's outstanding. Someday we'll all end up in a place like that if not a 2x6 box. So, I'm communicating my pathos, my emotional feeling that this is important entity for the County and we should keep it under our own tent. Thank you.

Mr. Ed Seleski, I live in Panama, New York. First of all, I want to thank you Legislators who voted against the SAFE Act and I appreciate the stand you took on behalf of all of our 2<sup>nd</sup> amendment lovers. As far as the County Home goes, I got my tax bill again this year and again, my tax bill went up. It's getting old and why we ever needed a super majority to vote on selling property in the first place is beyond me. It should be just the majority. So, my opinion is, I would like you guys to change the vote so it's just a majority, simple majority vote and the vote to get rid of the \$8,000 expense. It is just not right to us taxpayers. Thank you.

My name is Sara Becker, I live in Busti and I am probably the minority that I am here against the SAFE Act and in support of keeping the County Home. I have spoken with some of you at another meeting and I hope that you remembered my words about a community that does not value its elderly. A community that is more interested in politics than in taking care of the elderly. That community is one that is in moral decline. That as a community has lost its center. If we do not value

and care for our elderly, we are lost. They are our – those who go before us, those who carry on our heritage and we need to care for them in their remaining years regardless of their ability to pay is the services that we need to provide.

Regarding the proposal to change the law regarding the super majority, I would agree with many of the other people who have spoken this evening that your acting as children do who have not been able to get your way in once situation so you're stomping your feet off to the corner and like a sneaking devious spoiled child, changing the rules so that you can get your way. It's completely inappropriate and for any of us who have a little trust left in politicians, it destroys that.

My name is Russell Bly, I am from Cassadaga. I didn't mean to come up and talk. Originally I came here for the SAFE Act. I am proud of you guys for upholding that. But as I was back there listening about the County Home, I got a little upset because I got a friend who use to be the owner of a store, our local store and spent many years in community service, helped out the fire department and do all of this stuff and now he's up in age and not able to live on his own anymore. Yet, he's paid all of these taxes for all of these years through the business, personal property and now we're showing our thanks by turning your back on his loyalty to his community. To me, it shouldn't be up to you to stand by. All these people who worked all their lives to be the backbone of Chautauqua County to say we'll stand by you now in your retirement and need and not turn your back. This is out of line but yet we're giving money to these other industries, social services to help people who don't want to work, saying hey, we'll take care of you but for someone who worked all their lives and need our help, we're now saying, we don't care about you anymore. That drives me up a wall.

My name is Antoinette Snyder from Dunkirk. I just have a couple of questions. I cannot understand why a property that is worth \$30 to \$40 million dollars, full market value is being sold for \$16.5 million dollars. I just doesn't make sense and when it doesn't make sense, it isn't right. There is a lot of things in the budget that is costing us taxpayer's money. It's not just the County Home. It's the \$91 million dollars that goes for Social Services, it's the airport that is costing us money, it's the landfill that's costing us money. Every department is costing us money. Until all of you get it together and the most vital asset that you folks have are your people. You get together with your people, you talk about what is going wrong, fix it, don't sell it, fix it. Turn it around. We have a beautiful County here, fix it so that we can all live in it and enjoy it. Once you get together with the people that you are working for, everything should turn around and work out. But, I just cannot see any sense in selling a County that is worth \$40 to \$40 million dollars to someone that I giving you \$16.5 million cash. There has to be strings attached to that money. That money is here today, gone tomorrow. Your people will be here forever. So think twice and about that law that is about as unethical as any of you can get. I mean, it's really stooping low. I think that is terrible to think that you would pull that on any of us. Thank you.

Good evening, Paul Shanahan, Town of Ellicott. I've come before you on several occasions and spoke about the County Home. I found myself to have made pragmatic reasonable arguments. Some of the arguments that I have heard here today are reasonable, some I feel are unreasonable. I am not going to try and address them all but I will say there are a few points, a few sticking points that continue to stick. First and foremost, I heard someone earlier allude to the SAFE Act. That was an unconstitutional move on behalf of the State and someone eluded you guys changing this local law would be the equivalent. Unfortunately that's not at all true. Because you as a County government have no constitutional responsibility to continue to run this government enterprise nor did you ever. So, if you cannot run it in a self-sustaining way, without the taxpayers being forced to subsidize it, then you probably ought to look at alternatives. The alternative is privatization which maintains the service, which maintains the jobs, you guys have done your due diligence and acted responsibly in trying to put the caveats into the contract that will ensure those things happen. I applaud you for doing that. At the same time, let me explain to you why I believe you should change this local law. I believe that it never should have been that way to begin with. They may have had their reasons back in the 70's, but if you look at it today, there is no super majority required to buy the Home, build the Home, fund the Home. There is no super majority required to continue to force us taxpayers to subsidize the

Home. Why is a super majority required for just one issue with respect to the Home. It shouldn't be that way. I will give you an alternative though. If you don't want to do that, perhaps you ought to pass a law that changes the requirement for IGT funding to require a super majority. Quite frankly, I don't think the IGT funding should continue. I think the Home needs to find a way to be self-sustaining or privatized. For me, it's as simple as that and if you listen to the remarks earlier from Todd Trantum from the Chamber of Commerce, I think he was spot on and I would reiterate his remarks without taking up several minutes to do so. I would simple reiterate his remarks. One final note, has been a long standing idea that the County Home is superior to any other nursing facility in this County. Many of the comments have alluded to that being the case. Have given that impression, if you will. The ratings came out once again. These ratings come out every, I guess, 12 to 15 months. They came out again, I just reviewed them this morning. And the most recent ratings have the County Home rated as a one star facility. At one time they were rated as a one star before that was no flash in the pan. That is a repeat occurrence. And quite frankly, if you look –

Chairman Gould: That's three minutes sir.

Mr. Shanahan: At the ratings of Absolute in Dunkirk, Absolute in Westfield, Gerry, theirs is three, four, five star facilities. Thank you.

My name is Marie Tomlinson and I live in Fredonia. A quick recap. Marcus & Millichap, come over. Out of the goodness of their hearts, they say, you have a County Home. We can sell it for you. They said the same thing to Cattaraugus County, they said the same thing to county's all across the country. Some of them went for it and some of them didn't. Ours seem to have gone for it. Now, here we have a building that is worth what \$50-\$60 million dollars. It's on 30 acres of land, wooded, very nice land. Not very far from the lake. It has a gas well and there is a special value to the license and this is where I think you guys really need to do due diligence is how much is that license worth? How much would it cost to get a facility licensed and is that license transferable. I don't know if it is or not. But if it is, they could take it and move it to New York City where it's a lot more lucrative. I wonder about the gas well. How did it come about that it got drilled in the first place and why was it never hooked up so that we could sell it. People have been talking about how we shouldn't have a super majority to sell property. Well, the reason we have a super majority is so that we really carefully think about it. I remember when the landfill was for sale and there was a lot of pressure to sell it but you know what, we did not cave to that pressure. We looked at it and said, how can we make this better, how can we make it more efficient and we improved it and now it's paying back to the County, now it's giving us money. The nursing home could do the same thing and yea, there are some problems. The IGT funding is nothing but a shoveled – the IGT funding came in when the nursing home industry and their lobby changed the law so that County nursing homes couldn't put on assisted living facilities. So, we have the potential right now if that was not a law, if that was not a law, there would not be any IGT stuff at all. So, we need to lobby Albany and say that we want to get this changed. If we could do that, people could live on the grounds and visit their loved ones who need more care. So, good, thank you very much.

I have nothing to do with the County Home but I am very provoked by the people by the people that have spoken here tonight. I am a very analytic person. My name is Jeanie Polisoto and I come from Forestville, New York. In the display of people's wishes, I have done sort of a calculation of the people that came here and spoke and basically the ones that are for the County Home are women. The ones that have been against it have been three males and only one male stood up and said this is about human dignity. I am a Catholic, proud to be of that faith and the fact is we have a motto, respect and defend life. What I see here is a bunch of men willing to go against that principal. We're all human beings, everybody has their right to live in dignity but these men who are in the vein of kind of being affective in trying to manage things, have really mismanaged and the scenario that has unfolded here is a bunch of mismanagement. I have never seen anything so disgusting to put human beings that are frail, vulnerable and use them as a pawn to pay off your debts that you were supposed to do and not do. You were supposed to keep us solvent as public people, I am furious

about the way that you have misused the money of the taxpayers. I have been out of this County for 40 years, I come back and I see same, same. That is ridiculous. Where is the progressive thinking? Where is for the people? They are people and I will reiterate, defend, respect and protect life. If you are going to start with these people, where is it going to end. I don't know if anybody has seen the movie, (*inaudible*) Green, but in that movie, where people got to old, they chopped them up and used it for food for people in order sustain themselves because of mismanagement. I guess hydro fracking is the next thing on the list. You people just don't get it. I'm glad – I understand that human life is dependent upon compassion and understanding that we're in it together how do you cooperate to make sound logical decisions? Oh this is efficient now and later we can worry about it and sell pure water so we can what, go destitute for lives. Just raping and pillaging that's all that I see.

My name is Jim Mayshark, I live in Sherman and I want to speak as a male that has care about our (*inaudible*). There are between 8 and 9 thousand of us today that are turning 65 and I think we have to really think hard about taking care of us old folks. My Dad, I put in a nursing home. My mother, my sister and I did and it was really hard on us. He was in a facility that was terrible and we moved him to one that was pretty good. My mother's 94 and we're talking every day about when are we going to have to do that to Mom? Hopefully we never will. She's still in her home but when we do have to put her in, I do not want her to go to a facility that the Rothner's are going to run. From what I have read and seen about them, I don't want my mother or myself to live there. I just don't trust them. They are good business people and I ran a business in this County for 35 years and I know about efficiency but, I think all they care about is the bottom line. About money and you know we have to take care of our people. Our schools, our post office, and our nursing homes. We may have to subsidize them. If that is what we have to do to take care of our parents, that is what we should do. Thank you.

Unknown speaker: Nearly 25 years ago my wife and I bought property here. We were going to move from Chicago when we retired and I was investigator with the State's Attorney office in Cook County, assigned to the consumer fraud unit. The primary fraud that we prosecuted or they prosecuted. I didn't prosecute, was, fraud against the elderly. Usually they were class actions suits because there were so many of them you had to have two or three hundred to get a case. They existed of pulling the wool over the eyes of these old people that was the substance of the scams that were going on. I just want to make a note about this wool pulling because if someone has a weak argument, they tend to call you names. Words like scurrilous, bull faced liars, spreading rumors, using slander, innuendo to delay and deceive. Well, those are the words that Mr. Barmore used about us. Those who were opposed to this sale of the County Home. Those (*inaudible*) in the article, you can read it in the Post Journal on February 17<sup>th</sup>, and it becomes easier to call people names if you undermine them their argument. You make up another argument for what they have to say. It's called straw man. Creating a straw man argument. So, what you do is describe your views of what they think in some fashion like saying these people just want to close the Home. They say that it is going to be closed when we haven't said that it is going to be closed. We know well, that Mr. Rothner is a very successful businessman, he'll expand it, he'll expand it probably with monies that come from this County and tax deductions from this County. Similarly, Mr. Barmore and others have said that we say the residents are going to be kicked out or the people are going to be fired, staff. We don't say that at all. But, if you can argue a straw man argument and then beat that argument up then you have won the case. Essentially if you've got the power, access to the media as Mr. Barmore does being the Majority Leader here. Another tactic is just to ware down the opposition with mantra like slogans like \$8,000 a day lost, or \$11,000, or \$9,000, it changes. That way if you have this figure you can ignore the CGR report which essentially says that it will only cost, if these implementations, these ideas are implemented, we'll cost between \$6 dollars and \$17 dollars per year, per homeowner. That is what it says. Thank you.

Chairman Gould: Anyone else to speak to the first privilege of the floor?

My name is Roger Shearer, I'm with CSEA and just briefly in the interest of accuracy. Today's technology is really amazing. Again, in the interest of accuracy the number one ranked nursing home in Chautauqua County is the Chautauqua County Home. It has a four star ranking. The only other four star ranked nursing home in the County is Heritage Park in Jamestown. That is a not-for-profit nursing home operation. Those who don't know or make the distinction between a for profit and a not-for-profit operation will do best to look a little bit deeper. Thank you.

Chairman Gould: Anyone else to speak to the first privilege of the floor? Seeing no one else, I will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 1/23/13

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STATE OF THE COUNTY ADDRESS  
BY COUNTY EXECUTIVE GREGORY J. EDWARDS

Chairman Gould, Majority Leader Barmore, Minority Leader Whitney, Legislators, co-workers, honored guests, and taxpayers of Chautauqua County.

As has been my practice for the past few years, the formal remarks that I will make tonight have been placed on the county webpage at. I have given the Chairman and the Clerk a printed copy and anyone who would like one can print a full copy from the internet.

I have been looking forward to the opportunity to make these remarks this evening, and that is a statement that I could not have made the first few years I was the Chautauqua County Executive. As you all will recall, when I was elected in 2005 and began in January of 2006 our County was battling years of increases in taxes imposed on our residents from a County government that had been steadily increasing in size and expense, and decades of increased spending in Albany that added to the amount of County tax dollars that they required us to send to the State to pay their bills.

This environment had created a culture that fought back against change, and an overarching atmosphere that nothing could be done, that taxes would always go up, and that the County's demise was inevitable.

Tonight, I am pleased to be here to tell you that while that war is not over, we can rightfully say that we have won some significant battles over the last 7 ½ years. We have changed the operations of our County and the direction we were headed, and as a result I believe the future is bright for Chautauqua County.

Two hundred years ago, a relative unknown and young captain was ordered to Lake Erie, just 45 miles from where we are tonight, to take on the project of building 6 vessels and then engage the enemy to wrest control of Lake Erie from the British Navy. Historians say that despite facing extreme adversity, U.S. Naval Captain Oliver Hazard Perry, was able to overcome these obstacles and on September 10, 1813, he led a successful offensive against the British and compelled their surrender.

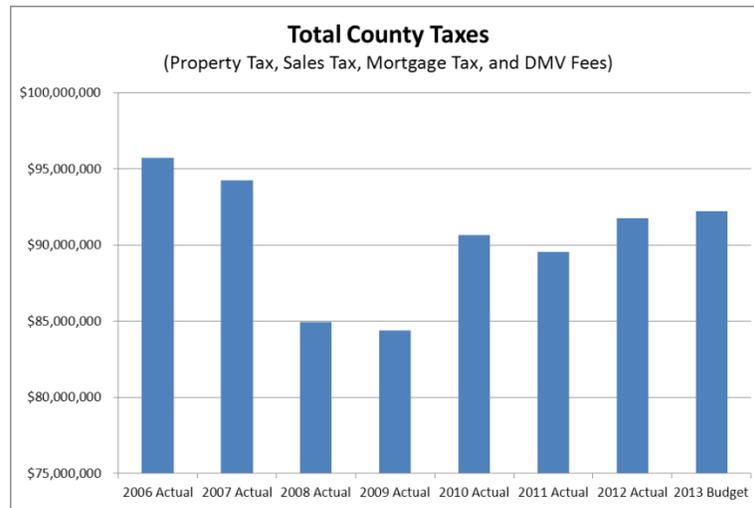
In a letter to U.S. Army General William Henry Harrison after defeating an entire British squadron, the 28-year-old Perry wrote the following: "We have met the enemy and they are ours." I am thrilled that we have the opportunity to participate in the celebrations in Put-in-Bay, Ohio and Erie, Pennsylvania this summer recognizing this significant victory in the War of 1812.

I am also encouraged that we in Chautauqua County can rightfully celebrate some significant victories in our own battles over the last 7 ½ years to change the future of our County for the better. We have made tremendous progress and gains as a County despite the events that have unfolded which have tested our resolve. We have stood firm in these storms and come out of them stronger and more adept at dealing with adversity, and we have developed the capacity to not only make change happen but to do so in rapid fashion.

The fact is that Chautauqua County is truly a unique place full of people who will take responsibility and when challenged, find solutions to problems.

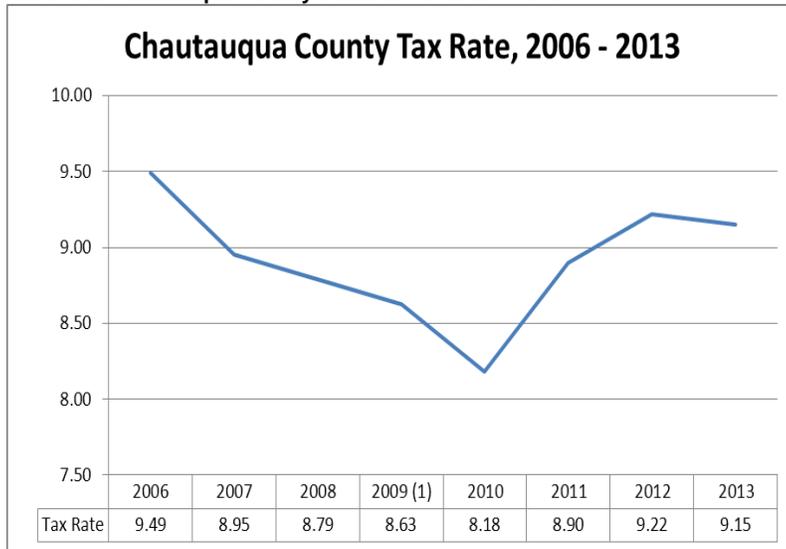
Here are the facts that prove how unique our County is and how talented the people are who have joined me in these efforts over the last 7 ½ years. I am going to give you three examples of significant events that only Chautauqua County has been able to accomplish:

1. No other County in New York State, not one of the other 61 Counties, has achieved what Chautauqua County did this year when we merged the Department of Social Services and the Department of Health into one department called Health and Human Services. This consolidation was so unique that the State had to give us a special permission to undertake this merger. We have been so successful that Governor Cuomo's 2013-2014 proposed budget includes legislation revising Public Health law so that Chautauqua County's model can be used throughout the state. More importantly, we have improved our delivery of essential services, reduced our costs, and ultimately opened the door for further tax cuts because of these savings. This is true change and progress.
2. No other County, not just in New York State, but no other municipality in the North Eastern United States has accomplished what we did through the efforts of the Chautauqua County Planning Department and their partners. This year, as a result of the professional work of Bill Daly, Mark Geise, Jeff Diers, and others, we were successful in convincing the Army Corps of Engineers to invest their own dollars in the Submerged Aquatic Vegetation Management Plan for Chautauqua Lake. This Federal Agency agreed to do this because our work was so professional and effective that they are going to use our plan as the model for all lakes in all of the North Eastern United States on how to deal with invasive weeds. Once again, Chautauqua County is the model for change and progress.
3. No other County in New York State, not one of the other 61 Counties, has achieved what we have in the arena of taxes, possibly the most important measure for a County in New York State. The budget I inherited in 2006, when I began as Chautauqua County Executive, had taxes and fees of Property Tax, Sales Tax, Mortgage Tax, and DMV fees that totaled over \$95.7 million. Today, seven years later, the total of all of these very same taxes is less. This year, these same taxes are over \$3.5 million less totaling \$92.2 million, as shown in the following graph.

**CHART 1: Total County Taxes (Property Tax, Sales Tax, Mortgage Tax, and DMV Fees)**

Year	Total County Taxes
2006	\$95,734,520
2007	\$94,263,044
2008	\$84,947,233
2009	\$84,412,640
2010	\$90,663,955
2011	\$89,571,166
2012	\$91,785,205
2013	\$92,235,969*

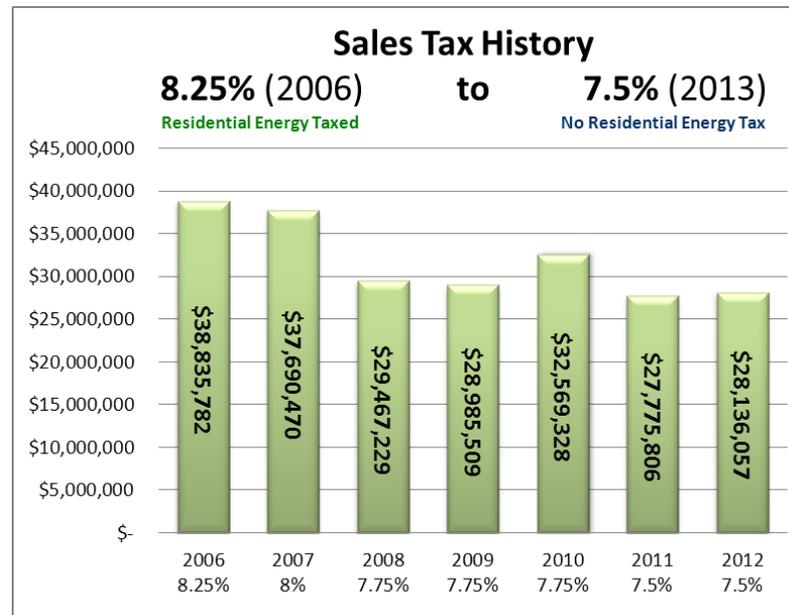
\*Budget Total

**CHART 2: Chautauqua County Tax Rate From 2006-2013**

You can see in the above graph that our property tax rate was \$9.49 in 2006, and now it is just \$9.15 in 2013. Also you need to note that our rate was dramatically reduced between 2006 and 2010 leaving even more money in the hands of the taxpayer as opposed to going to the government.

Now we need to look at our sales tax rate. In 2006 the sales tax rate was 8.25% and taxes were charged on clothing under \$100 and on residential energy. Today our sales tax rate is just 7.5% and there is no tax on clothing under \$100 or on residential energy as shown in the following graph.

**CHART 3: Sales Tax History**



This reduction in Sales Tax eliminated over \$68 million in taxes over the last eight years leaving this money in taxpayers' pockets.

We have succeeded in reducing our County taxes despite Albany's successful effort to take more and more of our local tax dollars to pay for their programs. During this same time period where we have reduced County taxes, just nine State mandates have increased over \$13 million, as shown in the following chart.

#### CHART 4: Local Share Top 9

The facts are right here. Since 2006, the Top 9 State costs charged to us have increased over \$13 million and our sales tax revenue has been reduced by approximately \$68 million, yet still Chautauqua County taxpayers are paying \$3.5 million less in total taxes and fees to Chautauqua County government than they were nearly eight years ago. That is an \$84.5 million swing that has benefitted the people of Chautauqua County.

LOCAL SHARE TOP 9	2006 Actual Amount	2007 Actual Amount	2008 Actual Amount	2009 Actual Amount	2010 Actual Amount	2011 Actual Amount	2012 Actual Amount	2013 Adopted Budget Amount
Public Assistance	\$3,647,613	\$1,516,006	\$4,936,797	\$3,539,129	\$5,262,577	\$5,303,626	\$4,874,692	\$5,449,861
Child Welfare	\$194,825	\$1,057,567	-\$1,110,779	\$53,540	-\$846,782	\$525,516	\$535,418	\$487,010
Preschool Special Education	\$1,391,213	\$1,449,240	\$1,976,140	\$2,772,013	\$1,989,139	\$1,650,622	\$2,152,265	\$1,868,173
Early Intervention	\$390,309	\$352,949	\$596,699	\$273,192	\$352,899	\$352,899	\$320,885	\$463,496
Indigent Defense	\$723,650	\$888,466	\$860,681	\$886,211	\$985,379	\$1,054,642	\$1,148,408	\$1,236,041
Probation	\$1,265,725	\$1,105,634	\$1,184,112	\$1,153,926	\$1,364,195	\$1,460,724	\$1,604,235	\$1,649,770
Youth Detention	\$2,522,607	\$148,603	\$300,773	\$896,316	\$858,915	\$1,164,460	\$482,483	\$1,100,000
<b>Subtotal</b>	<b>\$10,135,942</b>	<b>\$6,518,465</b>	<b>\$8,744,423</b>	<b>\$9,574,327</b>	<b>\$9,966,322</b>	<b>\$11,512,489</b>	<b>\$11,118,386</b>	<b>\$12,254,351</b>
Pensions	\$4,340,269	\$4,228,083	\$3,936,848	\$3,503,878	\$5,406,667	\$6,703,595	\$8,265,722	\$10,153,511
Medicaid	\$26,689,025	\$27,527,087	\$28,300,682	\$29,074,276	\$24,803,592	\$28,631,466	\$31,454,889	\$32,022,962
<b>Total Top 9</b>	<b>\$41,165,236</b>	<b>\$38,273,635</b>	<b>\$40,981,953</b>	<b>\$42,152,481</b>	<b>\$40,176,581</b>	<b>\$46,847,549</b>	<b>\$50,838,997</b>	<b>\$54,430,824</b>
Inc From Prior Year		-\$2,891,602	\$2,708,318	\$1,170,529	-\$1,975,900	\$6,670,968	\$3,991,447	\$3,591,827
Cumulative Increase		-\$2,891,602	-\$183,284	\$987,245	-\$988,655	\$5,682,313	\$9,673,761	\$13,265,588

In these battles we have fought over the last 7 ½ years, to borrow Captain Perry's line, "We have met the enemy and he is ours." While you will have to inquire with our County Historian Michelle Henry for the details of how Perry won his battle, I can give the reasons why we here in Chautauqua County have been successful.

For over 7 ½ years, the team I have assembled has focused on smaller more efficient County government operations, evidenced by fewer buildings, less overhead, less layers of operations, and increased use of technology to name just a portion of our plan of attack. The number of big changes and the incremental gains across all of our operations have created big savings and improved deliverables to our constituents. We have sold property we did not need, reduced our workforce, and combined our operations evidenced by the elimination by merger of the separate departments of Insurance, Comptroller, Youth Bureau, and now the combination of Department of Social Services and Department of Health. We have converted the full time job of Parks and Airport Commissioner to part time, eliminated four layers of management in the Department of Public Facilities, merged the locations of our Office for the Aging and Veterans, and reduced the overall size of our workforce. We have also successfully implemented changes in our operations from our health insurance to our purchasing and investment policies that have cut our costs, and in addition we have created non-tax revenue from our energy plant.

While all of these changes were taking place, we also dramatically improved the quantity and quality of the services we have been delivering to our constituents in Mental Hygiene, Veterans, Office for the Aging, and Emergency Services to name a few.

Challenges remain for our County and our County Governmental operations. The sustained recession has slowed economic growth. The decisions which continue to be made in Albany to increase unfunded mandates, legalize marijuana, expand the number of abortions, outlaw the lawful possession of guns, and increase our minimum wage to an amount well in excess of our neighboring State of Pennsylvania, are all driving more and more of our friends, neighbors, and businesses out of Chautauqua County and New York State.

So, despite these impressive victories we have won over the last 7 ½ years, we still have more battles on our horizon. We continue to have the challenge of delivering the services our people expect and deserve and the services Albany demands within the limits of our County resources. This means that once again I will be called on to create and deliver a budget for Chautauqua County for 2014 and that process begins in earnest in June.

Looking at this upcoming budget as a battle, I can no longer use the words of Captain Perry, but must instead quote the comic strip Pogo created by author Walt Kelly in 1948 that ran until 1975. The most famous, or at least the most repeated Kelly quotation is, "We have met the enemy and he is us."

Why is the enemy us? For over one year I have been trying to get our Legislature to approve the sale of the Chautauqua County Home. Despite the overwhelming positive reasons to do so, some legislators still refuse. Well tonight I will give them one more powerful reason on top of all of the rest— I am confident that I can develop a County budget for next year, 2014, that will have no increase in the property tax or sales tax rate, **IF** the Legislature votes tonight to sell the County Home. In this case, either we win another battle or become the enemy to our constituents. There is not one single taxpayer in our County who would have preferred to have their taxes increased over the last 7 ½ years as opposed to the tax decrease that has been delivered. Likewise, the vast majority of County residents do not want their taxes to go up next year, and the Legislature has the power to decide either path later tonight. So, victors or the enemy the choice lies squarely on the 25 members of the Legislature.

While we have spent some time reviewing the last 7 ½ years, what is in our future for Chautauqua County? The following are a few of the items already underway that my team has taken on, all in our effort to move our County and the people and businesses who call it home into an even more successful future:

1. Sherman Shop:

Significant analysis by George Spanos our Department of Public Facilities Director led to an opportunity to change how we deliver the necessary highway services to the Sherman region and create a savings for our taxpayers of approximately \$250,000 by

changing where 17 members of our DPF team report to work during the road construction season. This proposed change was met with significant resistance from the staff, and concerns by the Sherman community.

I am pleased to announce tonight that I have received the commitment of the Village of Sherman and Town of Sherman to enter into a professional analysis of our collective highway efforts to determine if it is possible to maintain the same or deliver an improved quality of service, by sharing a single facility to house all three of our operations, and reduce the costs to all our taxpayers. This effort is focused on securing a grant to fund the independent analysis to be presented to municipalities. As a result, the maintenance crew that is currently reporting to the Sherman shop is expected to continue to do that throughout this next construction season.

2. Dunkirk Airport:

The viability of our airports is a process that is under constant review. The Dunkirk Airport is not an essential service provided by the County as it is for people to fly in and out of with their private planes, which differs from the commercial airport operated by the County outside of Jamestown. As a result, there is an effort underway to market the Dunkirk Airport for sale to a private entity which would eliminate the County's costs for operating this general aviation airport, enable us to focus on our Chautauqua County Airport, and encourage the development of the area around the Dunkirk Airport by private investors.

3. Smoke-free Campus:

The health and wellbeing of those who work in County operations and the residents and visitors who spend time in and around County properties is a significant concern of mine and our wellness team. As a result of this concern, I have begun the process of creating a smoke-free environment for workers and visitors to all of our County operations by addressing this important issue with Budget Director/Health Insurance Administrator Kitty Crow and with various county committee groups.

I will continue these discussions with management, union leadership and members from all departments and all locations of County government to join the over 200 municipalities in the state of New York who have adopted tobacco-free outdoor area policies or ordinances. Just a few startling statistics will reveal why we need to become a Tobacco-Free outdoor area in 2013. In New York State, approximately 25,500 adults die each year from smoking and 16,400 kids have lost at least one parent to a smoking-caused death. Reducing the number of smokers in the workforce also reduces smoking-related costs borne by the employer. Research by the Center of Disease Control indicates that the average annual difference in healthcare costs between a smoker and a non-smoker is \$5,455. More important than the financial costs of a smoker is that the U.S. Department of Health and Human Services found in an economic effectiveness analysis of a tobacco ban at the workplace that a tobacco-free workplace policy could prevent about 1,500 heart attacks and 350 strokes in one year with approximately \$55 million in direct medical cost savings. Public support in New York State for prohibiting smoking in outdoor areas is strong. We must do all we can to protect children and residents of Chautauqua County from the deadly exposure to secondhand smoke, inside and outside of our buildings and grounds. It is my hope that you will all support this initiative and participate in the kickoff of this program in November in conjunction with National Smoke Out Day.

4. Seneca Nation Partnership:

Working in partnership with the Seneca Nation, we have been successful in pursuing an estimated \$50 million investment by the Nation in Chautauqua County. The Seneca's own approximately 110 acres in the Town of Hanover that borders on the New York State Thruway exit/entrance ramp and Routes 5 and 20. The leadership of

the Seneca Nation analyzed the potential for the creation of an outlet mall on their property. It is projected that this development will create over 750 permanent jobs, and over 300 construction jobs. We have a proven record of success in finding ways to promote joint efforts to improve the job opportunities and economy for both our Sovereign Nation neighbors and our own residents and I am confident that we will see this project go forward in the next 12 months.

5. Chautauqua Lake:

A significant amount of effort and dollars have been invested in dealing with, and working to improve the conditions of Chautauqua Lake over the last 7 ½ years. Legislator Keith Ahlstrom deserves a significant amount of praise for forming the Chautauqua Lake Management Commission (CLMC) when he was Chairman in 2006. Since the formation of this entity and in partnership with many organizations led by the County Department of Planning, Chautauqua County has invested over \$2.4 million in addressing this problem.

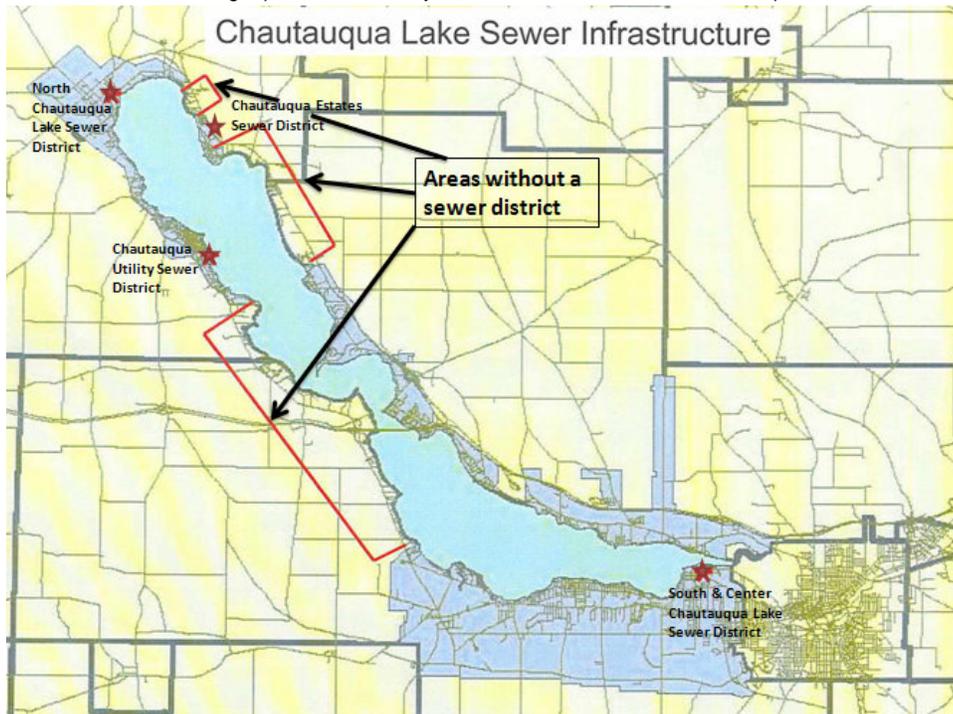
Two game changing efforts are underway that will have a dramatic impact on our lake:

- a. A group has been formed to pursue the development of a management organization to be the single point of direction for remedial activity in the Chautauqua Lake Watershed. The goal of this organization will be to bring a focused and consistent approach to implement the directives from the CLMC plan and the Submerged Aquatic Vegetation Management Plan as well as the efforts of the Intermunicipal Management Committee.
- b. The New York State Department of Environmental Conservation has imposed a Total Maximum Daily Load for the amount of phosphorus in Chautauqua Lake. I have been meeting with the leaders of our existing Municipal Sewer Districts, our Department of Health water experts, our Planning Department, Chautauqua Institution, and others to deal with these new mandates. Currently the single largest contributor of phosphorus to our lake are the non-point sources which consists of runoff from agriculture, urban development, erosion and septic systems.

c.

CHART 5: Map of Chautauqua Lake Sewer Infrastructure

This map shows the current status of sewers around our lake. The estimated cost of upgrades to these existing operations required by the DEC is staggering. Estimates are that if nothing were changed the costs would be over \$8 million and each system would continue to have costs for operation, maintenance, and in a few years' even more restrictive DEC regulations leading to even greater costs. We are working to engage each of these potential partners in a combined effort to create a single system that will deliver a public sewer all around Chautauqua Lake, in the most cost effective and most environmentally friendly manner. Currently the South and Center Chautauqua Lake Sewer District is funding a professional analysis of the costs for construction of a portion of the



trunk line for this sewer system to enable us to begin our cost benefit analysis. Local Foundations and leaders of our Region are supporting this effort.

6. North County Water Project:

The most important Municipal infrastructure project to be undertaken in the last 100 years has begun in Chautauqua County. A North County water district has proceeded under the leadership and commitment of the Chadwick Bay Regional Development Corporation. At my direction a study was completed in 2008 by the County Health Department that analyzed the municipal water systems of the northern part of Chautauqua County and identified the challenges in these operations. Consistent focus and the investment of considerable time and effort by the County and the affected municipalities resulted in the Chadwick Bay organization taking the lead in pursuing a regional effort to improve the process, quality, and capacity, and reduce the cost of delivering water to the people and businesses in approximately 9 municipalities. This past year, initial grant applications were made, a professional team was hired to develop the process and pursue the dollars necessary to fund this effort. The estimated cost of each of these municipalities going it alone is approximately \$75 million. Working together, these municipalities could enhance their water systems for approximately \$40 million. This is the most important project because it must be done. It replaces the successful efforts of our forefathers who installed the original water system as wooden pipes 100 years ago, and this will open the door to tremendous growth in both commercial and residential development for the entire region while reducing the cost to the taxpayers.

We have won battles and made these "enemies" our own over the last 7 ½ years and we will continue to do so as these examples demonstrate. However, we cannot underestimate the challenges that Chautauqua County faces, and we cannot become the "enemy" by creating artificial controversy, misunderstanding, or dissention.

I will continue to find every means available for our County, our businesses, our friends and family to thrive in Chautauqua County, as we experience the future that will be ours. I invite everyone here to join in this worthy effort.

May God bless our County and the United States of America in the days and weeks to come.

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COMMUNICATIONS:

1. Letters (4) – County Executive - Appts. & Re-Appts. – Community Services Bd.; Sports Fishery Advisory Bd.; Emerg. Medical Servs. Council; Fire Advisory Bd.
2. Memo – Co. Atty. Abdella – Re: Proposed LL Intro. 1-13 – Amending 7-75 (Mailed 2/11/13)
3. Letter – Co. Atty. Abdella – Re: Disclosure of Interest and Recusal
4. Lake Erie Concord Grape Belt – Re: Meeting date and time
5. Letter – Fessenden Laumer & DeAngelo – Re: Town of Ellery Proposed LL 2-13
6. Letter – Atty. Gregory Yaw – Re: PPD Sewer District: User Charge Hearing
7. Letters (2) Town of North Harmony – Re: Res. 18-13, Support for NYS Contact Info. For Vacant Structures & Support for Sale of Chaut. Co. Home
8. Highlights – Region 9 – Fish & Wildlife – Nov./Dec. 2012
9. Letter – Orchard Court Partnership Healthcare – Re: Acquisition of Senior Care Facilities Prices Remain Strong
10. County of Fulton – Res. – Urging Congress to Amend the Federal Property & Administrative Services Act of 1949 Regarding Purchases of Professional Services
11. NYS Dept. of State – Ack. Receipt of LL 1-13 (Reapportionment)
12. E-Mail to Clerk Tampio – From: NYSAC – Re: County Impact Summary of Governor Cuomo's Proposed 2013-2014 Budget
13. Email – M. Ebling – Re: Supports SAFE ACT Motion
14. Email – J. Whitmire – Re: Supports SAFE ACT Motion

15. Email – Mayor A.J. Dolce – Dnk. – Re: LL Intro. 1-13
16. Report – Fn. Dir. Marsh – Investment Report for January/2013
17. Letter – JCC – Invite to President's Roundtable
18. Letter – Lancaster County Bd. of Commissioners – Re: Sale of Nursing Home to Avi Rothner
19. Email – Minda Rae Amiran – Re: County Home Sale to Altitude/Rothner
20. NYSAC – Res. Adopted at the 2013 NYSAC Legislative Conference
21. 2013 Chautauqua County Budget

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Legislator Whitney: Could you read number 15 please.

Clerk Tampio: This letter was received by the Legislature office through email from the Mayor of the City of Dunkirk, Mayor Anthony J. Dolce.

Chautauqua County Legislature, Wednesday, February 27, 2013. I would like to start by thanking the County Legislature for this opportunity to be heard on the local law regarding sale of real property by simply majority versus super-majority.

I will be the first to admit I am not as familiar with the specifics of the proposed change as the Legislators are, and I must add that I am not lacking issues that need addressing in the City of Dunkirk. However, I felt it was necessary, in the interest of good government practice, to chime in on keeping the current practice of requiring a super majority for sale of real property intact.

It appears the potential sale of the County Home precipitated the desire to change the current practice of requiring a super-majority to a simple majority in order to sell real property. I feel changing a long-standing practice, especially one designed to promote bi-partisanship, is an extremely short-sighted end around to accomplish one particular goal (the sale of the County Home). Supporting the proposed change would be succumbing to the nuclear option. I strongly believe that those of us fortunate enough to hold elective office are entrusted not to overreact as a result of one particular issue.

While "majority rules," some issues are of such importance, are so momentous and have such long-ranging affects to residents and taxpayers throughout the County that a fast and loose system regardless of who holds majority would not be in the County's best interest. The current system requires the majority to "earn" or convince the minority party a particular sale would be best for all involved.

The current system promotes a healthy, vigorous debate and is correctly designed to be a somewhat lengthy process. More due diligence also tends to be required on each Legislators part. Following the current system creates a stronger decision-making process and as a result is less susceptible to often-changing political winds.

I feel it would be more prudent to have the cards stacked in the favor of the minority that may need convincing of a sale, than give carte blanche to the majority party to sell off County owned property. By way of comparison – super-majorities are required for juries, the elections of Popes, and amendments to the US Constitution.

In closing, I urge the County Legislature to keep the current system of requiring a super-majority- it is a system that demonstrates democracy at its finest. Sincerely, Anthony J. Dolce, Mayor, City of Dunkirk.

Legislator Cornell: I would like to ask that number 19 to be read as well.

Clerk Tampio: This was received through an email forwarded by Legislator Cornell and dated February 25, 2013 from Minda R. Amiran. It was also copied to all the Legislators.

To our Legislators.

I deeply concerned that you are going to sell the County Home to Altitude Homes. I realize that our Home is losing money, but I believe that its costs can be mitigated and meanwhile I consider it as providing a service like many others that taxpayers support for the benefit of the community. It is argued that the poor record of homes run by the father of Altitude's CEO has no implications for the

way Altitude runs its homes, and Mr. Tranum has provided a list of ratings to the local press to back his view that this is the case.

Looking at this data in yesterday's Observer, I notice something interesting: in all the Altitude homes, the percent of vacant beds is much higher than in the County Home. The Altitude percent's, in order of the chart, are 15.4, 14.1, 19.5, 24.2, and 34.6. By the same calculation, the County Home has 3.7% vacancies. This suggests either that Altitude is turning away Medicaid patients or that patients and their families are voting with their feet. It isn't reasonable to assume that there's so much less need for nursing in Arizona, Kansas, and Nebraska than there is here. And it seems to me that the only way Altitude could profit from a nursing home with so many vacancies is by drastically cutting staff.

It's also worth mentioning that "staffing rating" refers only to the number of various categories of staff per patient, not to the quality of the care. Whereas the "quality measures" have to do with problems after procedures and the like, not with the respect and kindness patients experience from the staff. (By the way, I don't understand how Devon Gables gets an overall rating of 5 on the basis of three sub-rating of 3, 3, and 4. But I haven't gone into the rating system in detail.)

I'm really afraid of what will happen to our Home in those hands. I realize that there are provisions in the proposed contract to ensure that existing staff members are offered jobs, etc. But what happens if Altitude doesn't comply with these provisions once the home is sold? Does the County repossess it? We all know how unlikely that is. Why oh why must you sell to this firm? Minda Rae Amiran

Legislator Barmore: I ask that the Clerk read number 18 please.

Clerk Tampio: This is from the Lancaster County Board of Commissioners and it's a letter that was forwarded to me from Mr. Barmore. February 2013.

This letter serves to outline my experiences as a member of the Lancaster County Board in business dealings with Avi Rothner, Hunter Management, Altitude Health Services, and related corporate entities.

Lancaster County was interested in selling the nursing home it had operated for many years due to increasing costs, turnover among staff and administrators, deferred maintenance issues, and declining resident census numbers. Following a Request for Proposals, Lancaster County entered into negotiations with Mr. Rothner. The sale of the nursing home, Lancaster Manor, quickly became controversial with residents, families, and employees. The situation was covered extensively by our local media. Throughout the many months of negotiations, I found Mr. Rothner to be responsive, quickly returning emails and phone calls, providing information when requested, dedicated to the best interests of our residents, and committed to improving the physical facility.

In the two year time period since the sale of Lancaster Manor to Mr. Rothner, we have seen a multi-million dollar expansion/renovation project completed as he had promised. Particularly impressive are the improvements to the memory care unit, rehabilitation facilities, and common area gathering spaces. In addition, installation of a new computer/billing system has been completed, as well as improved employee training programs. All this leads to a higher quality of life for Lancaster Manor residents. The property has also been returned to the property tax rolls.

A situation such as the one faced by the County Board when selling a long term care facility and County asset can be challenging. Looking back, the decision to sell Lancaster Manor to Mr. Rothner was in my opinion truly in the best interest of our resident and taxpayers. Sincerely, Deb Schorr, Lancaster County Board.

Chairman Gould: Anyone else? Seeing no one else, we'll get on the agenda.

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RENEW RES. NO. 30-13 – Authorizing Contract for Sale of the Chautauqua County Home to Altitude Health Systems, Inc. and its Corporate Designees/Affiliates (See text on page 25)

R/C Vote: 15 Yes; 9 No; 1 Absent (No's: Ahlstrom, Cornell, Coughlin, DeJoe, Duff, Heenan, Hoyer, Scudder, Whitney) – DEFEATED

MOTIONS: (Data on file w/ 2/27/13 Data)

2-13 Calling for the Governor and State Legislature to Compensate Counties for State-Mandated Salaries for District Attorneys – Unanimously Adopted

3-13 Calling for the Repeal of the NYS SAFE Act of 2013 – Unanimously Adopted

RES. NO. 32-13  
Appointment of County Salary Commission

By Administrative Services Committee:

At the Request of Chairman Gould, Legislators Barmore and Whitney:

WHEREAS, Section 4.05 of the Chautauqua County Charter requires that there shall be appointed by the County Legislature a seven (7) member bi-partisan County Salary Commission to review and recommend the salaries of all County elected officials except those whose salaries are established pursuant to State law; and

WHEREAS, the County Charter requires that the Commission shall recommend to the County Executive and County Legislature salary adjustments for elected offices at least one (1) year prior to the general election in which that office is scheduled to be filled; and

WHEREAS, the elected offices of County Legislature, County Executive, and County Clerk are scheduled to be filled in November 2013, and the County Sheriff is scheduled to be filled in November 2014; and

WHEREAS, there has not been a Salary Commission recommendation regarding the offices of County Executive and County Clerk since 2008; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following individuals to the bi-partisan County Salary Commission:

Steve Keefe  
17 Green St.  
Fredonia, NY 14063

Allan Hendrickson  
21 Windsor Place, WE  
Jamestown, NY 14701

Annette Smith  
~~342 Andrews Rd.~~  
~~P.O. Box 535~~  
~~Sinclairville, NY 14782~~

Ellen Ditonto  
16 Norton Ave.  
Jamestown, NY 14701

Fred Larson  
641 Lakeview Ave.  
Jamestown, NY 14701

DeEtte Dispenza  
221 W. Everett St.  
Falconer, N.Y. 14733

Larry Anderson  
3615 Belleview Rd.  
Bemus Point, NY 14712

Lance Spicer  
32 James St.  
Falconer, NY 14733

and be it further

RESOLVED, That the County Salary Commission is requested to review and make recommendations to the Legislature by ~~October 1~~ August 1, 2013 regarding the entire compensation

**Strikethrough Indicates Deletion, Underline Indicates New**

package for elected officials, including salary, insurance, and mileage expense reimbursements.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

MOVED by Legislator Himelein, SECONDED by Legislator Barmore to delete Annette Smith and insert DeEte Dispenza - Unanimously Carried

Unanimously Adopted – February 27, 2013

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RES. NO. 33-13

Confirm Re-Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:

At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following re-appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following re-appointment to the South & Center Chautauqua Lake Sewer Districts Board:

William Chandler  
207 W. Summit Ave.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/18

Signed: Himelein, Horrigan, Erlandson, DeJoe, Stewart

Unanimously Adopted – February 27, 2013

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RES. NO. 34-13

Confirm Appointments – Chautauqua County Fire Advisory Board

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Gloria J. Burke                      Ex-Officio-Secretary  
7337 Bowen Rd.  
Stockton, N.Y. 14784  
Term Expires: 1/31/14

Neil McNeight                      Ex-Officio – Historical Representative  
4 Woodcrest Dr.  
Fredonia, N.Y. 14063  
Term Expires: 1/31/14

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – February 27, 2013

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RES. NO. 35-13  
Confirm Appointments – Emergency Medical Services Council

By Public Safety Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments to the Chautauqua County Emergency Medical Services Council.

Todd Isaacson  
73 Lakin Ave.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/15

Position last held by Theodore Toy

Joyce A. Mathews  
41 East Evans St.  
Mayville, N.Y. 14757  
Term Expires: 12/31/14

Position last held by Jennifer Guttman

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – February 27, 2013

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RES. NO. 36-13  
Confirm Re-Appointments – Chautauqua County Community Services Board

By Human Services:  
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 Community Service Board:

Joseph DiCarlo  
11 Brook St.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/16

Kathleen A. Hentz  
12 Chase St.  
Westfield, N.Y. 14787  
Term Expires: 12/31/14

James Quattrone  
14 Brook St.  
Lakewood, N.Y. 14750  
Term Expires: 12/13/16

Signed: Tarbrake, Horrigan, Hemmer, Hoyer, James

Unanimously Adopted – February 27, 2013

RES. NO. 37-13  
Confirm Re-Appointment – Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following re-appointment to the Chautauqua County Sports Fishery Advisory Board.

Daniel Dietzen  
9865 Miller Rd.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/14

Signed: Borrello, Ahlstrom, Rogers, Heenan

Unanimously Adopted – February 27, 2013

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RES. NO. 38-13  
Authorizing Agreement with Cattaraugus County to Split the Local Share Cost Associated with Replacing CB941 on Waterboro Hill Road over Clear Creek

By Public Facilities Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, a Project for the replacement of County Bridge 941 over Clear Creek, BIN 3324550 in the Town of Ellington, Chautauqua County PIN 5758.42 has previously been authorized via Resolution 132-10, and

WHEREAS, this structure is jointly owned between Chautauqua and Cattaraugus Counties as it is located on the County line on Waterboro Hill Road, now, therefore, be it

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for sharing the local costs with Cattaraugus County.

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe

Unanimously Adopted – February 27, 2013

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RES. NO. 39-13  
Authorizing the Implementation and Funding in the First Instance of 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs of a Transportation Federal-Aid Project and Appropriating Funds Therefore (Millennium Parkway)

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

WHEREAS, a project for the reconstruction of Talcott Street from NY Route 60 to South Roberts Road, and construction along a new alignment of Millennium Parkway from South Roberts Road to Progress Drive, in the City and Town of Dunkirk, Chautauqua County, PIN 5757.55 (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, Resolution 120-11 approved funding for the Preliminary Engineering (Scoping & Design I-VI) phases of the Project, PIN 5757.55; 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 (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5757.55; and

WHEREAS, the Non-Federal share of the costs of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5757.55 is shared by State "Marchiselli" Program-Aid and County funds; and

WHEREAS, the County's share of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5757.55 is estimated to be \$598,290; and

WHEREAS, the Chautauqua County capital budget already includes \$79,500 for the County's share of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project, PIN 5757.55; and

WHEREAS, the capital budget already includes appropriations of \$526,000 in excess of the Preliminary Engineering (Scoping & Design I-VI) phases of the Project, PIN 5757.55;

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 (Scoping & Design I-VI) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds the amount appropriated, \$1,952,000 and/or 100% of the full Federal and Non-Federal shares of the cost of the Preliminary Engineering (Scoping & Design I-VI) and Construction & Construction Inspection phases exceeds \$9,758,951, 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 is hereby authorized to execute all necessary Agreements, certifications and 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 the

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 the 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, That 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 to cover the cost of participation in the Construction and Construction Inspection phase of the Project:

A Fund Balance is appropriated as follows:

INCREASE USE OF FUND BALANCE:

A.-----878	Reserved Fund Balance – Reserve for Capital	\$ 518,790
A.9950.-----9	Transfer to Capital – Interfund Transfer	\$ 518,790

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6420.579.4	Contractual – Millennium Parkway	\$6,939,951
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.6420.579.R358.9003	NYS Aid – Marchiselli Funds	\$1,004,000
H.6420.579.R458.9002	Federal Aid – Surface Transportation Program	\$5,943,161
H.6420.579.R503.1000	Interfund Transfer – Interfund Transfers	\$ 518,790
		<u>\$7,465,951</u>

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe, Runkle, Nazzaro, Borrello, Heenan

Adopted w/ Rogers voting “no” – February 27, 2013

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RES. NO. 40-13

Authorize Public Hearing for Automobile Rental Concession Lease Agreement with Johnstown Rental & Leasing d/b/a Hertz Rent-A-Car at the Chautauqua County Airport at Jamestown

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

WHEREAS, Johnstown Rental and Leasing d/b/a/ Hertz Rent-a-Car desires to renew its existing automobile rental concession lease at the County Airport for an additional three year term; and

WHEREAS, it is appropriate for the smooth and efficient operation of the County Airport to renew such lease with the County; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such lease agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the extension of the automobile rental lease agreement at the meeting of the County Legislature on March 27, 2013 at 6:45 pm in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon the following terms and conditions:

1. Premises: Counter space in the airport terminal. Five parking spaces in the ready lot, and an additional 15 parking spaces in the public lot.
2. Rent: Ten (10) percent of gross revenues, \$125 month for counter space, and \$10/month for trash pickup. Hertz Rent-a-Car may park fifteen cars in the public parking area free of charge; thereafter, a charge of \$5.00 per car per day applies.
3. Term: January 1, 2013 to December 31, 2015.
4. Utilities: Paid by the county.
5. Other: As negotiated by the County Executive;

and be it further

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

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – February 27, 2013

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RES. NO. 41-13

Authorize Appropriation of Funds From the Sale of Property Located at 2097 South Maple Avenue in the Town of North Harmony

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

WHEREAS, pursuant to Resolution 163-11, the County Legislature authorized the sale of property located in Ashville in the Town of North Harmony designated on the Chautauqua County Tax Map as Section 35, Block 6, Lot 9 & 10, consisting of the building formerly known as the parks department and the adjacent lot; and

WHEREAS, it is the desire of the Legislature to defer and designate the net proceeds from the sale of this property to fund the annual cost for seasonal staff to maintain County owned parks until such time the proceeds are exhausted; therefore be it

RESOLVED, That the Director of Finance is authorized to defer and designate the net proceeds from the sale of the aforementioned property for the annual cost for seasonal staff to maintain County owned parks.

Signed: Himelein, Horrigan, Stewart, Erlandson, DeJoe, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – February 27, 2013

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RES. NO. 42-13

Amending Rules and Regulations of the Chautauqua County Legislature

At the Request of Legislator Hoyer:

WHEREAS, the Constitution of the United States and its Amendments state that the government shall not establish religion (applicable to the states through the Fourteenth Amendment); and

WHEREAS, counties in New York State are an extension of the state; and

WHEREAS, the Chautauqua County Legislature opens its sessions with a prayer; and

WHEREAS, the prayers that open the Legislature sessions are almost always Christian in nature, thus establishing not only a religion but favoring one religion over others; therefore, be it

RESOLVED, That the Chautauqua County Legislature shall open its sessions with Legislators saying in unison only the New York State oath of office, "I do solemnly affirm that I will support the constitution of the United States, and the constitution of the State of New York, and that I will faithfully discharge the duties of the office of Chautauqua County Legislator, according to the best of my ability," and be it further

RESOLVED, That the order of business set forth in Rule 3(A) of Section I of the Rules and Regulations of the Chautauqua County Legislature is hereby amended to substitute "Oath of Office" for "Prayer" as the second item of business after the roll call, and is hereby further amended to remove the Pledge of Allegiance as the third item of business.

Signed: Hoyer (Defeated: A.S. Scudder, Barmore, Cornell, DeJoy, Tarbrake voting "no")

Defeated – R/C Vote: 5 Yes; 15 No (No's: Ahlstrom, Barmore, Borrello, Cornell, Croscut, DeJoe, DeJoy, Heenan, Hemmer, Himelein, Horrigan, Nazzaro, Runkle, Scudder, Stewart, Tarbrake, Wendel, Gould) - February 27, 2013

RES. NO. 43-13  
Standard Workday and Reporting Resolution

By Administrative Services Committee:  
At the Request of Chairman Jay Gould:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the standard work days for elected and appointed officials as set forth in the attached schedule, and will report the days worked set forth therein 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.

<u>Title</u>	<u>Name</u>	<u>Standard Work Day (Hrs/day)</u>	<u>Hire Date Term Begins/Ends</u>	<u>Participates in Employer's Time Keeping System (Y/N)</u>	<u>Days/Month (based on Record of Activities)</u>	<u>Tier 1 (Check only if member is in Tier 1)</u>	<u>Not Submitted (Check box if no record of activities completed or timekeeping system)</u>
<b><u>Elected Officials</u></b>							
<b><u>Appointed Officials</u></b>							
Director of Veterans Service Agency	DOUGLAS L. DIERS	7	09/04/2012-12/31/2013	Y			
Deputy County Fire Coordinator	ROBERT A. FRANK	6	01/01/2010-12/31/2013	N	2.9		
Deputy County Fire Coordinator	JOHN C. GRIFFITH	6	04/12/2012-12/31/2013	N	4.4		
Deputy Director of Finance (Treasury)	VALERIE A. LIS	8	11/26/2012-12/31/2013	Y			
Director of Health & Human Services	CHRISTINE L. SCHUYLER	7	11/29/2012-11/28/2017	Y			
Deputy County Fire Coordinator	CHARLES L. SMITH	6	01/01/2010-12/31/2013	N	6.2		
Deputy Public Health Director	ANGELA M. SWARTZMAN	7	11/29/2012-11/28/2017	Y			

Signed: Scudder, Cornell, Tarbrake, Barmore, DeJoy

Unanimously Adopted – February 27, 2013

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RES. NO. 44-13  
Amending Resolution 171-11 Regarding RPTL Article 11 Tax Foreclosures

By Administrative Services Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 171-11, the County Legislature confirmed an amended County policy regarding the disposition of tax foreclosure properties and related procedures under Article 11; and

WHEREAS, due to recent decisions in United States Bankruptcy Court, it is appropriate that such policy be further amended to eliminate tax payment agreements with former owners because of the substantial legal expense and delay to the County that is caused if such tax payment agreements become part of a bankruptcy filing; therefore be it

RESOLVED, That the County Legislature hereby reconfirms a policy regarding tax foreclosure properties that eliminates Paragraph 5 from the policy adopted in Resolution 171-11:

1. Schedule for Article 11 Tax Foreclosures. No later than January 1, 2012, it shall be the policy of the County of Chautauqua to adhere to the extent practicable to the following time requirements: the filing of the list of delinquent taxes (10 months after lien date) and the petition of foreclosure (24 months after lien date). After a judgment of foreclosure has been obtained by the County, transfers of tax foreclosure properties to municipal entities, foreclosed owners, mortgagees, and purchasers at public auction pursuant to this resolution shall be accomplished as soon as practicable.

2. 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 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.

3. 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.

4. 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 two weeks 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 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.

5. ~~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 two weeks 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)~~

**Strikethrough Indicates Deletion**

~~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. Tax payment agreements shall be subject to approval of the County Legislature.~~

56. 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. 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.

67. 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.  
Signed: Scudder, Cornell, Tarbrake, Barmore, DeJoy

Adopted w/ Erlandson voting "no" – February 27, 2013

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RES. NO. 45-13  
Dog License Fee Distribution

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

**Strikethrough Indicates Deletion, Underlined Indicates New**

WHEREAS, New York State Agriculture and Markets Law §111(1) formerly required that a portion of all dog license fees be remitted to the county financial officer; and

WHEREAS, §111(3) required the county financial officer to pay a portion of such fees to the financial officers of towns, cities and villages in the county, ratably to the annual remittance made to the county by such town, city or village; and

WHEREAS, such payments remain due for 2010 and were required to have been paid on or before the first day of February 2011, based on monies not expended by the County in the preceding calendar year; and

WHEREAS, the February 2011 payment was not made; and

WHEREAS, the County is also distributing monies held back for dog damages in prior years as recommended by the NYS Dept of Agriculture and Markets; and

WHEREAS, the above-referenced provisions of the Agriculture and Markets Law have been modified such that no additional or future payments will be required; therefore, be it

RESOLVED, That the County Director of Finance be authorized and directed to make payments to local towns, cities and villages as follows:

<b>Remitting Municipality</b>	<b>Amount Remitted</b>	<b>One Hundred Percent of Surplus Apportioned</b>
Arkwright	\$ 419.55	\$ 363.73
Busti	\$ 2,477.87	\$ 2,144.85
Carroll	\$ 713.31	\$ 617.76
Charlotte	\$ 731.60	\$ 635.08
Chautauqua	\$ 1,844.71	\$ 1,596.37
Cherry Crk.	\$ 284.32	\$ 245.37
Clymer	\$ 738.54	\$ 640.86
Dnk.(Town)	\$ 328.45	\$ 285.79
Ellery	\$ 1,375.91	\$ 1,192.22
Ellicott	\$ 2,129.16	\$ 1,844.63
Ellington	\$ 1,018.96	\$ 883.34
French Crk.	\$ 220.92	\$ 190.52
Gerry	\$ 827.47	\$ 715.91
Hanover	\$ 1,181.47	\$ 1,021.91
Harmony	\$ 518.13	\$ 447.44
Kiantone	\$ 260.82	\$ 225.17
Mina	\$ 474.79	\$ 409.92
N. Harmony	\$ 822.38	\$ 713.02
Poland	\$ 1,030.04	\$ 892.00
Pomfret	\$ 3,120.23	\$ 2,701.99
Portland	\$ 1,572.77	\$ 1,362.54
Ripley	\$ 1,038.67	\$ 900.66

Sheridan	\$ 796.97	\$ 689.93
Sherman	\$ 584.59	\$ 505.18
Stockton	\$ 739.17	\$ 640.86
Villanova	\$ 468.79	\$ 407.03
Westfield	\$ 1,279.80	\$ 1,108.51
Dnk. (City)	\$ 2,653.11	\$ 2,297.84
Jmst. (City)	\$ 3,278.28	\$ 2,840.55
<u>Chaut Co</u>		
<u>Humane</u>	\$ 399.49	\$ 346.41
<b>TOTAL</b>	\$ 33,330.27	\$ 28,867.39

Signed: Scudder, Cornell, Tarbrake, Barmore, DeJoy, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – February 27, 2013

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RES. NO. 46-13  
2011 Hurricane Irene & Tropical Storm Lee Disaster Relief Funding

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

WHEREAS, disaster relief was provided to Schoharie County by Chautauqua County during the 2011 flooding from Hurricane Irene and Tropical Storm Lee; and

WHEREAS, the Office of Emergency Services submitted a Request for Reimbursement on behalf of all responders from the County, and

WHEREAS, Disaster Declaration by FEMA, 4020.DR.NY, has paid Schoharie County for storm related expenses of which Chautauqua County has been reimbursed for expenses incurred in the amount of \$34,443.68; and

WHEREAS, the Office of Emergency Services would like to utilize their portion of the funds to establish a Capital Account for the replacement of the vehicle for Fire Police; therefore be it

RESOLVED, That the Director of Finance is hereby directed to establish a Capital Account for Fire Police Vehicle Replacement and to make the following changes to the 2013 Budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.3010.----.4	Contractual – Emergency Services	\$26,330
<u>ESTABLISH AND INCREASE REVENUE ACCOUNT:</u>		
A.3010.R430.5006	Federal Aid – FEMA – Disaster Reimbursement	\$26,330
<u>ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.3997.999.4	Contractual – EMS Vehicle Replacement	\$ 8,114
<u>ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:</u>		
H.3997.999.R430.5006	Federal Aid – FEMA – Disaster Reimbursement	\$ 8,114

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – February 27, 2013

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RES. NO. 47-13  
State Homeland Security Program Appropriations to 2013 Budget

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

WHEREAS, the Office of Emergency Services was awarded funds from the FY2011 and FY2012 State Homeland Security Programs (SHSP); and

WHEREAS, these grants are to enhance regional preparedness in the Chautauqua County area thru projects and initiatives that comply with the Federal grant guidelines and supports the implementation of the State Homeland Security Strategy; and

WHEREAS, to meet the objectives of the programs, funds are necessary at this time to purchase HazMat Plume Modeling software required by the work plan for the FY2012 grant and Fatpipe for improvement to communications; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.4	Contractual – HazMat	\$49,500
A.3010.----.4	Contractual – Emergency Services	\$50,437

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$99,937
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Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – February 27, 2013

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RES. NO. 48-13  
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 geographic boundaries of the Township during the 2013 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2013 through December 31, 2013 for an estimated cost not to exceed \$30,000.00 based on an hourly rate of \$35.35; therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered 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: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – February 27, 2013

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RES. NO. 49-13

Authorizing 2013 Allocation to Chautauqua County Land Bank Corporation; Confirming Member of Land Bank Board of Directors; and Authorizing Use of Casualty and Liability Fund for Land Bank Insurance Retention

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 159-11, the Chautauqua County Legislature designated \$150,000 as seed money for a land bank in Chautauqua County; and

WHEREAS, during 2012, the State of New York approved the establishment of the County's Land Bank, the County Legislature approved the transfer of the first six (6) properties to the Land Bank, and the Land Bank has been incorporated and is awaiting approval of its 501(c)(3) tax exemption from the IRS; and

WHEREAS, pursuant to Resolutions 194-11 and 134-12, the County Legislature has thus far authorized the use of \$15,000 of the \$150,000 in designated Land Bank seed money for the preparation of a Land Bank financial plan and related start-up tasks by the Center for Community Progress (CCP); and

WHEREAS, the projected 2013 budget developed for the Land Bank's IRS filings contemplates the use of up to \$21,000 of the designated Land Bank seed money in 2013; and

WHEREAS, Steven Centi has resigned from the Land Bank Board of Directors and has resigned as Director of the City of Jamestown Department of Development, and Vincent DeJoy is the new Director of the City Department of Development and should be confirmed to serve the remainder of Mr. Centi's two (2) year term; and

WHEREAS, at no additional cost to the County, the Chautauqua County Land Bank Corporation has been added to the County's general liability and public officials insurance policies which have a \$25,000 retention (deductible) for claims, and it would be appropriate in the event of a claim that the County's Liability and Casualty Reserve Fund be utilized for any such retention obligation of the Land Bank; therefore be it

RESOLVED, That pursuant to Section 1610 of the New York State Land Bank Act, the Chautauqua County Legislature authorizes the payment of \$21,000 in Land Bank seed money to the Chautauqua County Land Bank Corporation to finance the Land Bank's 2013 operations; and be it further

RESOLVED, That the Chautauqua County Legislature hereby confirms Vincent DeJoy, of 321 Baker Street, Jamestown, New York 14701, to serve as a member of the Chautauqua County Land Bank Board of Directors for the remainder of the two (2) year term of Steven Centi, who has resigned; and be it further

RESOLVED, That the Chautauqua County Legislature hereby authorizes use of the County's Liability and Casualty Reserve Fund in the event of a general liability or public officials insurance retention obligation of the Chautauqua County Land Bank Corporation.

Signed: Borrello, Ahlstrom, Rogers, Heenan, Nazzaro, DeJoe, Himelein (A.C-Runkle voting "no")

Unanimously Adopted – February 27, 2013

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RES. NO. 50-13

Authorize Extension of Lease Agreement for Department of Planning and Economic Development at the Riverside Industrial Center

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Department of Planning and Economic Development, in cooperation with the Chautauqua County Industrial Development Agency, has encouraged and supported the development of an industrial incubator project in the Riverside Industrial Center in Jamestown, New York; and

WHEREAS, the County entered into a lease agreement for such office space that was thereafter assigned to the Chautauqua Region Industrial Development Corporation as owner of the premises; and

WHEREAS, the County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with Chautauqua Region Industrial Development Corporation (CRIDC) for office space in the Riverside Industrial Center on substantially the following terms and conditions:

Division of Planning:

- 1.) Premises. 2,468 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York
- 2.) Rent. At \$2.41 per square foot, at an annual sum not to exceed \$5,948.00 to be paid bi-annually at the rate of \$2,974.00/six-months.
- 3.) Utilities. Landlord to pay utilities.
- 4.) Term. One year term commencing on January 1, 2013 and terminating December 31, 2013, subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Division of Economic Development:

- 1.) Premises. 2,280 square feet on the third floor of the Riverside Industrial Center, 200 Harrison Street, Jamestown, New York.
- 2.) Rent. At \$1.72 per square foot, at an annual sum not to exceed \$3,922.00 to be paid Bi-annually at the rate of \$1,960.80/six-months.
- 3.) Utilities. Landlord to pay utilities.
- 4.) Term. One year commencing on January 1, 2013 and terminating on December 31, 2013, subject to termination by prior notice.
- 5.) Other. As negotiated by the County Executive.

Signed: Borrello, Ahlstrom, Rogers, Heenan, Nazzaro, DeJoe, Himelein (A.C. – Runkle voting" no")

Unanimously Adopted – February 27, 2013

RES. NO. 51-13  
Amend 2012 Budget to Adjust Accounts for Year End Reconciliation

By Audit & Control Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, some departments have received revenues in excess of budget; and

WHEREAS, some expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That EL, ESN and MS Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EL.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	\$341,121
ESN.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	\$16,231
MS.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	<u>\$789,356</u>
	Total	\$1,146,708

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.1	Personal Services-Legislative Board	\$1,183
A.1010.----.4	Contractual-Legislative Board	\$3,793
A.1010.----.8	Employee Benefits-Legislative Board	\$15,272
A.1040.----.4	Contractual-Clerk, Legislative Board	\$52
A.1040.----.8	Employee Benefits-Clerk, Legislative Board	\$2,257
A.1162.1120.4	Contractual-Unified Court Costs-Assigned Counsel	\$156,597
A.1162.1140.4	Contractual-Unified Court Costs - Family Court	\$142
A.1165.1169.1	Personal Services-Crime Victims	\$334
A.1165.1169.8	Employee Benefits-Crime Victims	\$1,435
A.1165.----.8	Employee Benefits-District Attorney	\$13,952
A.1170.1172.1	Personal Services-Public Defender - Aid to Defense	\$126
A.1170.1174.1	Personal Services-Public Defender - Alt to Incarceration	\$202
A.1170.1174.4	Contractual-Public Defender - Alt to Incarceration	\$14
A.1170.----.1	Personal Services-Public Defender	\$16,595
A.1170.----.5	Fixed Contractual-Public Defender	\$2,204
A.1185.----.4	Contractual-Med Examiners & Coroners	\$10,074
A.1185.----.8	Employee Benefits-Med Examiners & Coroners	\$3,985

A.1230.----.1	Personal Services-County Executive	\$1,215
A.1330.----.2	Equipment-Real Property Tax	\$760
A.1330.----.3	Depreciable Equipment-Real Property Tax	\$7,889
A.1330.----.4	Contractual-Real Property Tax	\$9,681
A.1330.----.5	Fixed Contractual-Real Property Tax	\$3,365
A.1410.1411.4	Contractual-Motor Vehicles	\$4,139
A.1410.1411.5	Fixed Contractual-Motor Vehicles	\$202
A.1410.----.4	Contractual-County Clerk	\$4,157
A.1420.----.8	Employee Benefits-County Attorney	\$16,615
A.1430.----.5	Fixed Contractual-Human Resources	\$188
A.1450.----.1	Personal Services-Board of Elections	\$60,710
A.1450.----.5	Fixed Contractual-Board of Elections	\$9,416
A.1450.----.8	Employee Benefits-Board of Elections	\$6,202
A.1460.----.5	Fixed Contractual-Records Management	\$67
A.1610.----.1	Personal Services-Office Services	\$1,784
A.1610.----.4	Contractual-Office Services	\$281,454
A.1610.----.8	Employee Benefits-Office Services	\$100
A.1620.5020.4	Contractual-B&G - Hall R Clothier Bldg	\$34,637
A.1620.5030.4	Contractual-B&G - Courthouse	\$3,695
A.1620.5070.4	Contractual-B&G - Mayville Municipal Bldg	\$8,262
A.1620.6080.4	Contractual-B&G - North County Office Bldg	\$1,176
A.1620.7020.4	Contractual-B&G - Jamestown City Hall	\$14,313
A.1620.----.3	Depreciable Equipment-Buildings & Grounds	\$1,251
A.1620.----.5	Fixed Contractual-Buildings & Grounds	\$9,144
A.1650.----.4	Contractual-Communication System	\$18,834
A.1650.----.5	Fixed Contractual-Communication System	\$2,014
A.1670.----.4	Contractual-Print Shop	\$6,194
A.1670.----.5	Fixed Contractual-Print Shop	\$502
A.1680.----.5	Fixed Contractual-Information Technology	\$774
A.1680.----.8	Employee Benefits-Information Technology	\$103,817
A.1680.GIS.4	Contractual-Information Technology GIS	\$33,767
A.1985.----.4	Contractual-Municipal Sales Tax	\$1,091,096
A.2960.TRAN.4	Contractual-Educ: Handicapped Children-Transportation	\$32,760
A.3020.E911.2	Equipment-E911 System	\$7,655
A.3020.E911.4	Contractual-E911 System	\$54,803
A.3020.E911.5	Fixed Contractual-E911 System	\$222
A.3020.IECG.2	Equipment-Interoperable Emer Comm	\$3,351
A.3020.IECG.4	Contractual-Interoperable Emer Comm	\$57,569
A.3020.TECH.1	Personal Services-Technical Services	\$769

A.3020.TECH.4	Contractual-Technical Services	\$18,044
A.3020.W911.3	Depreciable Equipment-E911 Wireless	\$9,183
A.3110.3114.1	Personal Services-Pistol Permit	\$2,396
A.3110.3114.4	Contractual-Pistol Permit	\$3,236
A.3110.3114.5	Fixed Contractual-Pistol Permit	\$175
A.3110.3118.1	Personal Services-Criminal Investigation -Juvenile	\$4,332
A.3110.3118.8	Employee Benefits-Criminal Investigation -Juvenile	\$368
A.3110.----.1	Personal Services-Sheriff	\$269,350
A.3110.----.8	Employee Benefits-Sheriff	\$80,445
A.3140.----.1	Personal Services-Probation	\$11,500
A.3140.----.4	Contractual-Probation	\$20,345
A.3140.----.8	Employee Benefits-Probation	\$36,945
A.3150.----.1	Personal Services-Jail	\$213,246
A.3150.----.2	Equipment-Jail	\$3,615
A.3189.3111.5	Fixed Contractual-Navigation	\$26,731
A.3189.MEDI.1	Personal Services-Medi-Vac	\$94,999
A.3315.----.1	Personal Services-Stop DWI	\$10,858
A.3625.----.2	Equipment-Technical Rescue	\$1,285
A.3625.----.5	Fixed Contractual-Technical Rescue	\$2
A.3640.----.4	Contractual-Hazardous Materials	\$173
A.3640.----.5	Fixed Contractual-Hazardous Materials	\$15
A.3989.----.1	Personal Services-Emergency Medical Service	\$1,034
A.3989.----.2	Equipment-Emergency Medical Service	\$4,040
A.4010.----.1	Personal Services-Public Health Admin	\$40,548
A.4010.----.8	Employee Benefits-Public Health Admin	\$29,068
A.4010.NURS.1	Personal Services-Public Health Admin - Nursing	\$46,005
A.4010.NURS.8	Employee Benefits-Public Health Admin - Nursing	\$34,394
A.4025.----.1	Personal Services-Laboratories	\$456
A.4025.----.8	Employee Benefits-Laboratories	\$7,647
A.4059.----.4	Contractual-Early Intervention Program	\$98,937
A.4090.----.1	Personal Services-Environmental Health	\$14,475
A.4090.----.2	Equipment-Environmental Health	\$50
A.4090.----.5	Fixed Contractual-Environmental Health	\$8,820
A.5630.5625.5	Fixed Contractual-Bus Operations - CARTS	\$20,761
A.5630.5631.4	Contractual-Bus Operations - SUNY	\$3,962
A.5630.MED.3	Depreciable Equipment-Bus Operations - CARTS/MEDICAID	\$626
A.6010.----.2	Equipment-Social Services Admin	\$945
A.6109.----.4	Contractual-Family Assistance	\$233,421
A.6119.----.4	Contractual-Child Care (Foster/Inst)	\$220,495

A.6420.----.8	Employee Benefits-Promotion of Industry	\$4,283
A.6420.GJG.1	Personal Services-Promotion of Industry - Green Jobs Green NY	\$893
A.6420.GJG.4	Contractual-Promotion of Industry - Green Jobs Green NY	\$1,810,323
A.6420.GJG.8	Employee Benefits-Promotion of Industry - Green Jobs Green NY	\$409
A.6420.TOUR.4	Contractual-Promotion of Industry - Tourism	\$8,430
A.6510.----.4	Contractual-Veterans Service Agency	\$1,668
A.6510.----.8	Employee Benefits-Veterans Service Agency	\$9,265
A.7110.----.4	Contractual-Parks	\$3,279
A.7110.----.5	Fixed Contractual-Parks	\$4,508
A.8020.----.5	Fixed Contractual-Planning	\$62
A.8020.----.8	Employee Benefits-Planning	\$16,640
A.8020.GIS.1	Personal Services-Planning Geographic Info Systems	\$1,412
A.8020.GIS.8	Employee Benefits-Planning Geographic Info Systems	\$291
A.8020.WTRS.4	Contractual-Planning - Watershed Administration	\$29,790
D.5010.----.1	Personal Services-Public Facilities Admin	\$16,217
D.5010.----.3	Depreciable Equipment-Public Facilities Admin	\$3,128
D.5010.----.8	Employee Benefits-Public Facilities Admin	\$13,842
D.5110.----.1	Personal Services-Maintenance of Roads	\$396,306
D.5110.----.4	Contractual-Maintenance of Roads	\$112,458
D.5110.----.8	Employee Benefits-Maintenance of Roads	\$297,784
DM.5130.----.5	Fixed Contractual-Road Machinery	\$49,033
EE.9901.9040.9	Interfund Transfers-Transfers to Other Funds - Transfer (EE to A)	\$227,816
EL.8160.1000.1	Personal Services-Environment-Landfill	\$15,217
EL.8160.1000.3	Depreciable Equipment-Environment-Landfill	\$6,840
EL.8160.1000.8	Employee Benefits-Environment-Landfill	\$350,266
EL.8160.7000.1	Personal Services-Environment-Recycling	\$19,094
EL.8160.7000.4	Contractual-Environment-Recycling	\$5,202
EL.8160.7000.8	Employee Benefits-Environment-Recycling	\$11,502
ESN.8110.8112.1	Personal Services-Administration - Administration	\$5,540
ESN.8110.8112.4	Contractual-Administration - Administration	\$1,497
ESN.8120.8122.1	Personal Services-Sanitary Sewers - Sanitary Sewers	\$1,594
ESN.8120.8122.4	Contractual-Sanitary Sewers - Sanitary Sewers	\$9,779
ESN.8120.8122.8	Employee Benefits-Sanitary Sewers - Sanitary Sewers	\$11,213
ESN.8130.8132.1	Personal Services-Sewage Treatment - Sewage Treatment	\$1,711
ESN.8130.8132.4	Contractual-Sewage Treatment - Sewage Treatment	\$68,763
ESN.8130.8132.5	Fixed Contractual-Sewage Treatment - Sewage Treatment	\$165
ESN.8130.8132.8	Employee Benefits-Sewage Treatment - Sewage Treatment	\$10,511

ESN.9730.9732.6	Principal-Debt Services - NCLSD Debt Services	\$50,678
ESP.8110.8114.4	Contractual-Administration - Administration	\$7,093
ESP.8120.8124.5	Fixed Contractual-Sanitary Sewers - Sanitary Sewers	\$281
ESS.8110.----.4	Contractual-Administration	\$11,191
ESS.8120.----.5	Fixed Contractual-Sanitary Sewers	\$5
ESS.8120..8	Employee Benefits-Sanitary Sewers	\$12,612
ESS.8130.----.5	Fixed Contractual-Sewage Treatment	\$653
ESS.8130..8	Employee Benefits-Sewage Treatment	\$48,912
EW.8120.----.4	Contractual-Sanitary Sewers	\$227
EW.8310..1	Personal Services-No Co Ind Water District #1	\$12
EW.8310..8	Employee Benefits-No Co Ind Water District #1	\$159
M.1930.----.4	Contractual-Judgements & Claims	\$17,755
M.1930.----.8	Employee Benefits-Judgements & Claims	\$6,573
MS.1710.----.4	Contractual-Insurance Administration	\$103,512
MS.1720.----.4	Contractual-Benefits & Awards	<u>\$685,844</u>
	Total	\$8,167,931

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services-Clerk, Legislative Board	\$2,309
A.1162.1140.5	Fixed Contractual-Unified Court Costs - Family Court	\$142
A.1165.1169.4	Contractual-Crime Victims	\$1,769
A.1165.----.4	Contractual-District Attorney	\$13,952
A.1170.----.8	Employee Benefits-Public Defender	\$19,141
A.1230.----.8	Employee Benefits-County Executive	\$1,215
A.1310.----.4	Contractual-Department of Finance	\$11,169
A.1330.----.8	Employee Benefits-Real Property Tax	\$10,526
A.1410.1411.1	Personal Services-Motor Vehicles	\$4,341
A.1410.----.1	Personal Services-County Clerk	\$4,157
A.1430.----.4	Contractual-Human Resources	\$188
A.1450.----.4	Contractual-Board of Elections	\$76,328
A.1460.----.8	Employee Benefits-RECORDS MANAGEMENT	\$67
A.1610.----.4	Contractual-Office Services	\$36,786
A.1620.5030.5	Fixed Contractual-B&G - Courthouse	\$1,251
A.1620.5070.5	Fixed Contractual-B&G - Mayville Municipal Bldg	\$1,176
A.1620.5080.4	Contractual-B&G - Jail Addition	\$8,739
A.1620.6050.4	Contractual-B&G - D&F Plaza	\$3,695
A.1620.6070.4	Contractual-B&G - Chadwick Bay Bldg	\$25,898
A.1620.8060.4	Contractual-B&G - Ag Center	\$9,144
A.1620.----.1	Personal Services-Buildings & Grounds	\$14,313

A.1620.----.8	Employee Benefits-Buildings & Grounds	\$8,262
A.1680.----.4	Contractual-Information Technology	\$131,000
A.2490.----.4	Contractual-Community College Tuition	\$276,309
A.2960.TUIT.4	Contractual-Educ: Handicapped Children-Tuition	\$131,697
A.3010.----.4	Contractual-Emergency Services	\$6,549
A.3020.IECG.3	Depreciable Equipment-Interoperable Emer Comm	\$60,920
A.3020.TECH.8	Employee Benefits-Technical Services	\$14,000
A.3020.W911.4	Contractual-E911 Wireless	\$76,676
A.3110.----.2	Equipment-Sheriff	\$22,000
A.3110.----.3	Depreciable Equipment-Sheriff	\$82,000
A.3110.----.4	Contractual-Sheriff	\$198,163
A.3110.----.5	Fixed Contractual-Sheriff	\$94,000
A.3150.----.4	Contractual-Jail	\$16,000
A.3150.----.8	Employee Benefits-Jail	\$165,000
A.3189.3111.4	Contractual-Navigation	\$1,731
A.3189.3111.8	Employee Benefits-Navigation	\$25,000
A.3189.MEDI.4	Contractual-Medi-Vac	\$94,999
A.3315.----.8	Employee Benefits-Stop DWI	\$10,858
A.4035.----.1	Personal Services-Family Health/Planning	\$83,000
A.4035.----.4	Contractual-Family Health/Planning	\$21,463
A.4035.----.8	Employee Benefits-Family Health/Planning	\$77,000
A.5630.5625.4	Contractual-Bus Operations - CARTS	\$20,761
A.5630.MED.4	Contractual-Bus Operations - CARTS/MEDICAID	\$626
A.6010.----.4	Contractual-Social Services Admin	\$945
A.6129.----.4	Contractual-State Training School	\$453,916
A.6420.----.1	Personal Services-Promotion of Industry	\$9,639
A.6420.----.4	Contractual-Promotion of Industry	\$8,430
A.6510.----.1	Personal Services-Veterans Service Agency	\$10,933
A.7110.----.1	Personal Services-Parks	\$4,600
A.7110.----.8	Employee Benefits-Parks	\$3,187
A.8020.----.4	Contractual-Planning	\$46,492
A.8020.GIS.4	Contractual-Planning Geographic Info Systems	\$1,703
D.5010.----.4	Contractual-Public Facilities Admin	\$33,187
D.5142.----.1	Personal Services-Snow Removal: Co Roads	\$396,306
D.5142.----.4	Contractual-Snow Removal: Co Roads	\$112,458
D.5142.----.8	Employee Benefits-Snow Removal: Co Roads	\$297,784
DM.5130.----.4	Contractual-Road Machinery	\$49,033
EL.8160.1000.4	Contractual-Environment-Landfill	\$34,000
EL.8160.1000.5	Fixed Contractual-Environment-Landfill	\$33,000

ESN.8110.8112.5	Fixed Contractual-Administration - Administration	\$32,820
ESN.8120.8122.2	Equipment-Sanitary Sewers - Sanitary Sewers	\$32,000
ESN.8120.8122.3	Depreciable Equipment-Sanitary Sewers - Sanitary Sewers	\$30,000
ESN.9730.9732.7	Interest-Debt Services - NCLSD Debt Services	\$50,400
ESP.8110.8114.5	Fixed Contractual-Administration - Administration	\$7,093
ESP.8120.8124.4	Contractual-Sanitary Sewers - Sanitary Sewers	\$281
ESS.8120.----.4	Contractual-Sanitary Sewers	\$73,373
EW.8310.----.4	Contractual-No Co Ind Water District #1	\$398
M.1910.----.4	Contractual-Administration	<u>\$24,328</u>
	Total	\$3,610,626

INCREASE REVENUE ACCOUNTS:

A.1610..R221.0POS	Shared Services - Shared Serv-Postage	\$281,454
A.1985.----.R111.0MUN	Sales Taxes - Sales Tax-Muni Make Whole	\$1,091,096
A.5630.5631.R358.9000	NYS Aid - Transportation	\$3,962
A.6420.GJG.R498.9010	Federal Aid - ARRA Grant	\$1,806,269
EE.8410.----.R215.0003	Depart.I Income - New England Renewable Energy Credits	<u>\$227,816</u>
	Total	\$3,410,597

Signed: Runkle, Himelein, Nazzaro, DeJoe, Borrello, Heenan

MOVED by Legislator Himelein, SECONDED by Legislator Tarbrake to amend by Substitution:

*(Changes in Italics)*

WHEREAS, some departments have received revenues in excess of budget; and

WHEREAS, some expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That EL, ESN and MS Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EL.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	\$528,394
ESN.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	\$21,364
MS.----.----.909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	<u>\$789,356</u>
	Total	\$1,339,114

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.1	Personal Services-Legislative Board	\$1,183
A.1010.----.4	Contractual-Legislative Board	\$3,793
A.1010.----.8	Employee Benefits-Legislative Board	\$15,272
A.1040.----.4	Contractual-Clerk, Legislative Board	\$52
A.1040.----.8	Employee Benefits-Clerk, Legislative Board	\$2,257
A.1162.1120.4	Contractual-Unified Court Costs-Assigned Counsel	\$156,597
A.1162.1140.4	Contractual-Unified Court Costs - Family Court	\$142
A.1165.1169.1	Personal Services-Crime Victims	\$334
A.1165.1169.8	Employee Benefits-Crime Victims	\$1,435
A.1165.----.8	Employee Benefits-District Attorney	\$13,952
A.1170.1172.1	Personal Services-Public Defender - Aid to Defense	\$126
A.1170.1174.1	Personal Services-Public Defender - Alt to Incarceration	\$202
A.1170.1174.4	Contractual-Public Defender - Alt to Incarceration	\$14
A.1170.----.1	Personal Services-Public Defender	\$16,595
A.1170.----.5	Fixed Contractual-Public Defender	\$2,204
A.1185.----.4	Contractual-Med Examiners & Coroners	\$10,074
A.1185.----.8	Employee Benefits-Med Examiners & Coroners	\$3,985
A.1230.----.1	Personal Services-County Executive	\$1,215
A.1330.----.2	Equipment-Real Property Tax	\$760
A.1330.----.3	Depreciable Equipment-Real Property Tax	\$7,889
A.1330.----.4	Contractual-Real Property Tax	\$9,681
A.1330.----.5	Fixed Contractual-Real Property Tax	\$3,365
A.1410.1411.4	Contractual-Motor Vehicles	\$4,139
A.1410.1411.5	Fixed Contractual-Motor Vehicles	\$202
A.1410.----.4	Contractual-County Clerk	\$4,157
A.1420.----.8	Employee Benefits-County Attorney	\$16,615
A.1430.----.5	Fixed Contractual-Human Resources	\$188
A.1450.----.1	Personal Services-Board of Elections	\$60,710
A.1450.----.5	Fixed Contractual-Board of Elections	\$9,416
A.1450.----.8	Employee Benefits-Board of Elections	\$6,202
A.1460.----.5	Fixed Contractual-Records Management	\$67
A.1610.----.1	Personal Services-Office Services	\$1,784
A.1610.----.4	Contractual-Office Services	\$281,454
A.1610.----.8	Employee Benefits-Office Services	\$100
A.1620.5020.4	Contractual-B&G - Hall R Clothier Bldg	\$34,637
A.1620.5030.4	Contractual-B&G - Courthouse	\$3,695
A.1620.5070.4	Contractual-B&G - Mayville Municipal Bldg	\$8,262
A.1620.6080.4	Contractual-B&G - North County Office Bldg	\$1,176

A.1620.7020.4	Contractual-B&G - Jamestown City Hall	\$14,313
A.1620.----.3	Depreciable Equipment-Buildings & Grounds	\$1,251
A.1620.----.5	Fixed Contractual-Buildings & Grounds	\$9,144
A.1650.----.4	Contractual-Communication System	\$18,834
A.1650.----.5	Fixed Contractual-Communication System	\$2,014
A.1670.----.4	Contractual-Print Shop	\$6,194
A.1670.----.5	Fixed Contractual-Print Shop	\$502
A.1680.----.5	Fixed Contractual-Information Technology	\$774
A.1680.----.8	Employee Benefits-Information Technology	\$103,817
A.1680.GIS.4	Contractual-Information Technology GIS	\$33,767
A.1985.----.4	Contractual-Municipal Sales Tax	\$1,091,096
A.2960.TRAN.4	Contractual-Educ: Handicapped Children-Transportation	\$32,760
A.3020.E911.2	Equipment-E911 System	\$7,655
A.3020.E911.4	Contractual-E911 System	\$54,803
A.3020.E911.5	Fixed Contractual-E911 System	\$222
A.3020.IECG.2	Equipment-Interoperable Emer Comm	\$3,351
A.3020.IECG.4	Contractual-Interoperable Emer Comm	\$57,569
A.3020.TECH.1	Personal Services-Technical Services	\$769
A.3020.TECH.4	Contractual-Technical Services	\$18,044
A.3020.W911.3	Depreciable Equipment-E911 Wireless	\$9,183
A.3110.3114.1	Personal Services-Pistol Permit	\$2,396
A.3110.3114.4	Contractual-Pistol Permit	\$3,236
A.3110.3114.5	Fixed Contractual-Pistol Permit	\$175
A.3110.3118.1	Personal Services-Criminal Investigation -Juvenile	\$4,332
A.3110.3118.8	Employee Benefits-Criminal Investigation -Juvenile	\$368
A.3110.----.1	Personal Services-Sheriff	\$269,350
A.3110.----.8	Employee Benefits-Sheriff	\$80,445
A.3140.----.1	Personal Services-Probation	\$11,500
A.3140.----.4	Contractual-Probation	\$20,345
A.3140.----.8	Employee Benefits-Probation	\$36,945
A.3150.----.1	Personal Services-Jail	\$213,246
A.3150.----.2	Equipment-Jail	\$3,615
A.3189.3111.5	Fixed Contractual-Navigation	\$26,731
A.3189.MEDI.1	Personal Services-Medi-Vac	\$94,999
A.3315.----.1	Personal Services-Stop DWI	\$10,858
A.3625.----.2	Equipment-Technical Rescue	\$1,285
A.3625.----.5	Fixed Contractual-Technical Rescue	\$2
A.3640.----.4	Contractual-Hazardous Materials	\$173
A.3640.----.5	Fixed Contractual-Hazardous Materials	\$15

A.3989.----.1	Personal Services-Emergency Medical Service	\$1,034
A.3989.----.2	Equipment-Emergency Medical Service	\$4,040
A.4010.----.1	Personal Services-Public Health Admin	\$40,548
A.4010.----.8	Employee Benefits-Public Health Admin	\$29,068
A.4010.NURS.1	Personal Services-Public Health Admin - Nursing	\$46,005
A.4010.NURS.8	Employee Benefits-Public Health Admin - Nursing	\$34,394
A.4025.----.1	Personal Services-Laboratories	\$456
A.4025.----.8	Employee Benefits-Laboratories	\$7,647
A.4059.----.4	Contractual-Early Intervention Program	\$98,937
A.4090.----.1	Personal Services-Environmental Health	\$14,475
A.4090.----.2	Equipment-Environmental Health	\$50
A.4090.----.5	Fixed Contractual-Environmental Health	\$8,820
A.5630.5625.5	Fixed Contractual-Bus Operations - CARTS	\$20,761
A.5630.5631.4	Contractual-Bus Operations - SUNY	\$3,962
A.5630.MED.3	Depreciable Equipment-Bus Operations - CARTS/MEDICAID	\$626
A.6010.----.2	Equipment-Social Services Admin	\$945
A.6109.----.4	Contractual-Family Assistance	\$233,421
A.6141.----.1	<i>Personal Services-Home Energy Assist Prog</i>	\$14,450
A.6141.----.8	<i>Employee Benefits-Home Energy Assist Prog</i>	\$2,444
A.6119.----.4	Contractual-Child Care (Foster/Inst)	\$220,495
A.6420.----.8	Employee Benefits-Promotion of Industry	\$4,283
A.6420.G.JG.1	Personal Services-Promotion of Industry - Green Jobs Green NY	\$893
A.6420.G.JG.4	Contractual-Promotion of Industry - Green Jobs Green NY	\$1,810,323
A.6420.G.JG.8	Employee Benefits-Promotion of Industry - Green Jobs Green NY	\$409
A.6420.TOUR.4	Contractual-Promotion of Industry - Tourism	\$8,430
A.6510.----.4	Contractual-Veterans Service Agency	\$1,668
A.6510.----.8	Employee Benefits-Veterans Service Agency	\$9,265
A.7110.----.4	Contractual-Parks	\$3,279
A.7110.----.5	Fixed Contractual-Parks	\$4,508
A.8020.----.5	Fixed Contractual-Planning	\$62
A.8020.----.8	Employee Benefits-Planning	\$16,640
A.8020.GIS.1	Personal Services-Planning Geographic Info Systems	\$1,412
A.8020.GIS.8	Employee Benefits-Planning Geographic Info Systems	\$291
A.8020.WTRS.4	Contractual-Planning - Watershed Administration	\$29,790
D.5010.----.1	Personal Services-Public Facilities Admin	\$16,217
D.5010.----.3	Depreciable Equipment-Public Facilities Admin	\$3,128
D.5010.----.8	Employee Benefits-Public Facilities Admin	\$13,842
D.5110.----.1	Personal Services-Maintenance of Roads	\$396,306
D.5110.----.4	Contractual-Maintenance of Roads	\$112,458

D.5110.----.8	Employee Benefits-Maintenance of Roads	\$297,784
DM.5130.----.5	Fixed Contractual-Road Machinery	\$49,033
EE.9901.9040.9	Interfund Transfers-Transfers to Other Funds - Transfer (EE to A)	\$283,801
EL.8160.1000.1	Personal Services-Environment-Landfill	\$15,217
EL.8160.1000.3	Depreciable Equipment-Environment-Landfill	\$6,840
EL.8160.1000.8	Employee Benefits-Environment-Landfill	\$537,539
EL.8160.7000.1	Personal Services-Environment-Recycling	\$19,094
EL.8160.7000.4	Contractual-Environment-Recycling	\$5,202
EL.8160.7000.8	Employee Benefits-Environment-Recycling	\$11,502
ESN.8110.8112.1	Personal Services-Administration - Administration	\$5,540
ESN.8110.8112.4	Contractual-Administration - Administration	\$1,497
ESN.8120.8122.1	Personal Services-Sanitary Sewers - Sanitary Sewers	\$1,594
ESN.8120.8122.4	Contractual-Sanitary Sewers - Sanitary Sewers	\$9,779
ESN.8120.8122.8	Employee Benefits-Sanitary Sewers - Sanitary Sewers	\$14,188
ESN.8130.8132.1	Personal Services-Sewage Treatment - Sewage Treatment	\$1,711
ESN.8130.8132.4	Contractual-Sewage Treatment - Sewage Treatment	\$68,763
ESN.8130.8132.5	Fixed Contractual-Sewage Treatment - Sewage Treatment	\$165
ESN.8130.8132.8	Employee Benefits-Sewage Treatment - Sewage Treatment	\$12,669
ESN.9730.9732.6	Principal-Debt Services - NCLSD Debt Services	\$50,678
ESP.8110.8114.4	Contractual-Administration - Administration	\$7,093
ESP.8120.8124.5	Fixed Contractual-Sanitary Sewers - Sanitary Sewers	\$281
ESS.8110.----.4	Contractual-Administration	\$11,191
ESS.8120.----.5	Fixed Contractual-Sanitary Sewers	\$5
ESS.8120..8	Employee Benefits-Sanitary Sewers	\$24,060
ESS.8130.----.5	Fixed Contractual-Sewage Treatment	\$653
ESS.8130..8	Employee Benefits-Sewage Treatment	\$55,304
EW.8120.----.4	Contractual-Sanitary Sewers	\$227
EW.8310..1	Personal Services-No Co Ind Water District #1	\$12
EW.8310..8	Employee Benefits-No Co Ind Water District #1	\$159
M.1930.----.4	Contractual-Judgements & Claims	\$17,755
M.1930.----.8	Employee Benefits-Judgements & Claims	\$6,573
MS.1710.----.4	Contractual-Insurance Administration	\$103,512
MS.1720.----.4	Contractual-Benefits & Awards	<u>\$685,844</u>
	Total	\$8,451,056

DECREASE APPROPRIATION ACCOUNTS:

A.1040.----.1	Personal Services-Clerk, Legislative Board	\$2,309
A.1162.1140.5	Fixed Contractual-Unified Court Costs - Family Court	\$142
A.1165.1169.4	Contractual-Crime Victims	\$1,769

A.1165.----.4	Contractual-District Attorney	\$13,952
A.1170.----.8	Employee Benefits-Public Defender	\$19,141
A.1230.----.8	Employee Benefits-County Executive	\$1,215
A.1310.----.4	Contractual-Department of Finance	\$11,169
A.1330.----.8	Employee Benefits-Real Property Tax	\$10,526
A.1410.1411.1	Personal Services-Motor Vehicles	\$4,341
A.1410.----.1	Personal Services-County Clerk	\$4,157
A.1430.----.4	Contractual-Human Resources	\$188
A.1450.----.4	Contractual-Board of Elections	\$76,328
A.1460.----.8	Employee Benefits-RECORDS MANAGEMENT	\$67
A.1610.----.4	Contractual-Office Services	\$36,786
A.1620.5030.5	Fixed Contractual-B&G - Courthouse	\$1,251
A.1620.5070.5	Fixed Contractual-B&G - Mayville Municipal Bldg	\$1,176
A.1620.5080.4	Contractual-B&G - Jail Addition	\$8,739
A.1620.6050.4	Contractual-B&G - D&F Plaza	\$3,695
A.1620.6070.4	Contractual-B&G - Chadwick Bay Bldg	\$25,898
A.1620.8060.4	Contractual-B&G - Ag Center	\$9,144
A.1620.----.1	Personal Services-Buildings & Grounds	\$14,313
A.1620.----.8	Employee Benefits-Buildings & Grounds	\$8,262
A.1680.----.4	Contractual-Information Technology	\$131,000
A.2490.----.4	Contractual-Community College Tuition	\$276,309
A.2960.TUIT.4	Contractual-Educ: Handicapped Children-Tuition	\$131,697
A.3010.----.4	Contractual-Emergency Services	\$6,549
A.3020.IECG.3	Depreciable Equipment-Interoperable Emer Comm	\$60,920
A.3020.TECH.8	Employee Benefits-Technical Services	\$14,000
A.3020.W911.4	Contractual-E911 Wireless	\$76,676
A.3110.----.2	Equipment-Sheriff	\$22,000
A.3110.----.3	Depreciable Equipment-Sheriff	\$82,000
A.3110.----.4	Contractual-Sheriff	\$198,163
A.3110.----.5	Fixed Contractual-Sheriff	\$94,000
A.3150.----.4	Contractual-Jail	\$16,000
A.3150.----.8	Employee Benefits-Jail	\$165,000
A.3189.3111.4	Contractual-Navigation	\$1,731
A.3189.3111.8	Employee Benefits-Navigation	\$25,000
A.3189.MEDI.4	Contractual-Medi-Vac	\$94,999
A.3315.----.8	Employee Benefits-Stop DWI	\$10,858
A.4035.----.1	Personal Services-Family Health/Planning	\$83,000
A.4035.----.4	Contractual-Family Health/Planning	\$21,463
A.4035.----.8	Employee Benefits-Family Health/Planning	\$77,000

A.5630.5625.4	Contractual-Bus Operations - CARTS	\$20,761
A.5630.MED.4	Contractual-Bus Operations - CARTS/MEDICAID	\$626
A.6010.----.4	Contractual-Social Services Admin	\$945
A.6129.----.4	Contractual-State Training School	\$453,916
A.6141.----.4	<i>Contractual-Home Energy Prog</i>	\$16,894
A.6420.----.1	Personal Services-Promotion of Industry	\$9,639
A.6420.----.4	Contractual-Promotion of Industry	\$8,430
A.6510.----.1	Personal Services-Veterans Service Agency	\$10,933
A.7110.----.1	Personal Services-Parks	\$4,600
A.7110.----.8	Employee Benefits-Parks	\$3,187
A.8020.----.4	Contractual-Planning	\$46,492
A.8020.GIS.4	Contractual-Planning Geographic Info Systems	\$1,703
D.5010.----.4	Contractual-Public Facilities Admin	\$33,187
D.5142.----.1	Personal Services-Snow Removal: Co Roads	\$396,306
D.5142.----.4	Contractual-Snow Removal: Co Roads	\$112,458
D.5142.----.8	Employee Benefits-Snow Removal: Co Roads	\$297,784
DM.5130.----.4	Contractual-Road Machinery	\$49,033
EL.8160.1000.4	Contractual-Environment-Landfill	\$34,000
EL.8160.1000.5	Fixed Contractual-Environment-Landfill	\$33,000
ESN.8110.8112.5	Fixed Contractual-Administration - Administration	\$32,820
ESN.8120.8122.2	Equipment-Sanitary Sewers - Sanitary Sewers	\$32,000
ESN.8120.8122.3	Depreciable Equipment-Sanitary Sewers - Sanitary Sewers	\$30,000
ESN.9730.9732.7	Interest-Debt Services - NCLSD Debt Services	\$50,400
ESP.8110.8114.5	Fixed Contractual-Administration - Administration	\$7,093
ESP.8120.8124.4	Contractual-Sanitary Sewers - Sanitary Sewers	\$281
ESS.8120.----.4	Contractual-Sanitary Sewers	\$91,213
EW.8310.----.4	Contractual-No Co Ind Water District #1	\$398
M.1910.----.4	Contractual-Administration	<u>\$24,328</u>
	Total	\$3,645,360

INCREASE REVENUE ACCOUNTS:

A.1610..R221.0POS	Shared Services - Shared Serv-Postage	\$281,454
A.1985.----.R111.0MUN	Sales Taxes - Sales Tax-Muni Make Whole	\$1,091,096
A.5630.5631.R358.9000	NYS Aid - Transportation	\$3,962
A.6420.G.JG.R498.9010	Federal Aid - ARRA Grant	\$1,806,269
EE.8410.----.R215.0003	Depart. Income - New England Renewable Energy Credits	<u>\$283,801</u>
	Total	\$3,466,582

Unanimously Adopted as amended – February 27, 2013

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EMERG. RES. NO. 52-13  
 Authorize Payment of \$25,000 for Settlement of Claim of Linda Johnson

At the Request of County Executive Gregory J. Edwards:

WHEREAS, payment of the settlement of claims for amounts equal to or greater than \$25,000 require approval of the County Legislature pursuant to General Municipal Law §6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claim of Linda Johnson for the sum of \$200,000 of which the County will be responsible for \$25,000 as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$25,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Linda Johnson.

Unanimously Adopted – February 27, 2013

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LOCAL LAW  
 INTRODUCTORY NUMBER 1-13  
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-75 TO AUTHORIZE SALE OF COUNTY REAL  
 PROPERTY WITH A MAJORITY VOTE OF THE COUNTY LEGISLATURE

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

Section I. Amendments to Local Law 7-75.

1. Section 1 of Local Law 7-75 of the County of Chautauqua is hereby amended as follows:

SECTION 1. INTENT

It is the intent of this Local Law to permit the County of Chautauqua to lease or sell County real property at private sale without the public advertisement required by County Law, Section 215, Subdivision 6, and to permit the County of Chautauqua to sell County real property without the two-thirds supermajority vote required by County Law, Section 215, Subdivision 5.

2. Section 4 of Local Law 7-75 of the County of Chautauqua is hereby amended as follows:

SECTION 4. DETERMINATION OF NO PUBLIC USE

A. No lease of County real property shall be made unless the County Legislature shall determine by majority vote that said real property is not required for public use.

B. Notwithstanding the requirements of County Law, Section 215, Subdivision 5, no sale of all the right, title and interest of the County in and to

County real property shall be made unless the County Legislature shall determine that such County real property is no longer necessary for public use and such sale is approved by resolution adopted by the affirmative vote of a majority ~~two-thirds~~ of the total membership of the County Legislature taken by roll call vote and entered in the minutes of the County Legislature.

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 2/15/13

Defeated by Legislature: 2/27/13

R/C Vote: 10 Yes; 14 No; 1 Absent (No's: Ahlstrom, Cornell, Coughlin, DeJoe, DeJoy, Duff, Erlandson, Heenan, Hoyer, Nazzaro, Rogers, Runkle, Scudder, Whitney)

2<sup>nd</sup> Privilege of the Floor

Jeanie Poliso, Forestville, New York. It came to mind in this discourse that a lot of people are playing checkers when the game plan overall is chess. Basically I ran across some information about a group called ALEC. ALEC is a group of people that see it fit to take public funds and channel (*inaudible*) into private hands. Just what played out here is that what is the current trend of trying to get public monies into private hands. I think Mr. Edwards and this is all due respect to the body that is here. Sometimes the obvious is obvious and sometimes what is not obvious takes a bit of digging. I would hate to think that any of you would go in and make votes and be the pawns of these players that are deliberately trying to do this channeling. He mentioned in his plan that I guess the airport in Dunkirk is going to change. I think that there was some refurbishing or public funds into that airport and it going to be sold privately. I know in the southern states they have this plan with education to get public funds, I think the voucher is kind of similar to that. What happens is, that really (*inaudible*) the people but assets. I don't know if anybody here would like get involved with that. I think that is a misuse of your job is to get rid of public money so others like corporation have that asset. That doesn't make any sense to me. So, I guess these IGT's and this has forced the issue but I do know that ALEC has a wife array, they were responsible for the Wisconsin debacle as well as for the one in Michigan with the unions. So, they have spread out their tentacles in order to make sure that this plan comes. In the next five years, whose to know what is going to be left for the public.

Also, the smoke free zones, I feel that is a decrease of revenue sources. It's a great idea but it also decreases liability for the insurance companies so I think that is the reason why that is kind of one of his parts of the plan. I also see that management and funding, like we're going to take from Peter to pay Paul and when Paul disappears, who do we take from next? The development in Hanover, the hundred acres of productive State protected land. New York State has a bad record in protecting farmland. I don't know about you, if you don't have land, you are going to have a real hard life ahead of you especially the ones that are viable and really good at growing food. I mean, there is a lot of concern you know with local sources of food and that was taken over and they withdrew their names so they could developed and that is a really good area up in Hanover for growing food. I remember as a kid that one place use to be, I think, full of tomatoes and now it was cabbage and then back and forth but that is no longer a choice.

**Strikethrough Indicates Deletion, Underlined Indicates New**

Chairman Gould: That is your three minutes.

Ms. Polisoto: And I don't like financial blackmail.

Cody Britton, Dunkirk, New York. Was up here earlier. I want to say something to you that you don't probably hear nearly enough and that is thank you. I am not saying thank you because you voted to not sell the Home to Avi Rothner. I am not saying thank you because the County Home is still in the hands of the County. I am saying thank you because I came here tonight a little discouraged that the democratic process had some bullet holes in it and that things could be done in ways that weren't necessarily appropriate. I am thanking you tonight because now your actions have caused me to have a renewed faith, as Mr. Hoyer puts it, in the democratic process. The winner tonight is democracy. I appreciate that and I appreciate especially those of you who have opinions that cause you to vote in a way to sell the Home but yet this evening, you voted to sell it differently by way of two-thirds instead of simply majority and I appreciate that and that is to me is democracy winning and diligence being due. So thank you ladies and gentleman.

David Fagerstrom, Cherry Creek. He said it much better than I but thank you for your spirited debate and the outcome that you achieved.

Karen Angston Harvey, Mayville. I wanted to remind everyone about the HEAL grants, the Healthcare Education and Affordability Law. Unlike IGT, it's a straight give away of New York State funds for senior homes. About \$301 million this year. It's (*inaudible*) is twenty, I don't know how much money they have disposed of. Lutheran got \$23 million near past and Heritage got \$2 million. To put the IGT in the framework that you do and then to not recognize that there is money being given to not-for-profits and for-profits for senior health care seems to me, the picture just doesn't compute when you have both of those. I wanted to clarify the fact that Lancaster Manor did have improvements but the \$1 million dollars of those improvements were paid for by the County itself and the total was \$2 million according to the newspaper there but the County paid for half of it. Andy Goodell has explained that the pension cost increase for our public employees are caused by the collapse of the Wall Street debacle in 2008 and that is why? Because the State Comptroller is the one who decides where the pension funds go and that it is not the fault of the union that the pension funds have become a burden. It's the fault of the fact that we gave \$17 trillion dollars to a bunch of people who never were accountable for it, the states, the counties, and the cities never get any bailouts but the banks do and in the same moment, the pensions vanish, they disappear and then who pays, we pay. Twice. We pay the taxes to bail them out and we pay for the pensions that we can no longer see returning the funding that they once did. Increase in 65 years aged people and older will be 25% in the next 10 years according to the Center for Governmental Research and I get this wonderful thing in the mail, Dealmakers Forum Senior Care Investor that says, get on top of the great deals in senior care now and I looked it, just got it today and will have to study it but they are telling me that in Georgia, South Carolina, and another state, they are selling County Homes, hundred thousand dollars a bed. Try that on your County Home. There is competition out there In New Jersey, Rothner failed because he was outbid. There were three bidders, there were 25 people looking at the Home, he was outbid. There is competition, we don't have to expect that this Home won't sell to somebody because they are telling us in the Wall Street Journal that the funding is there, it's coming, there is more funding for Medicaid. I can't imagine this kind of publication that is making money off of these things but it is out there and it's explaining how you can get in on it.

My names is Audrey Dowling, the hour is late so I will try to be concise here. I am representing the UU Environmental Justice Group. We're very concerned about the high volume hydraulic fracking of natural gas that looks like it could be coming to the County by default if we don't start acting on it. There are already as it was said in the Warren paper, trucks that are going on County roads that are bringing back the flow back water from Pennsylvania well across our County roads and going back into Bear Lake, Pa. So it's already here. I was at TOPS, my husband was lusting for this wonderful Silverado truck. He walked over and it had on the sides of it, the logo of a

gas company out of Oklahoma so they are definitely here in the County. It's time for the County to think about this issue. So, we have asked and I do have a petition here. It says, we, the undersigned, want the Chautauqua County Legislature to enact a 10-year moratorium ban on High Volume Hydraulic Fracturing of Natural Gas and implement a long term ban on the receipt of flow back fluids and drilling wastewater into the County. Restricting the allowance of the amount of water withdrawn at one time by drilling operations is suggested.

We have five resolutions, County Resolution; No Deep Shale Horizontal Drilling for Natural Gas with High Volume Hydraulic Fracking on County Owned or controlled lands. Suggested a 10 year moratorium. The reason we're suggesting a moratorium is that right now anyone who knows this field very well, knows that they are not state of the art yet. They are still learning. We don't want to be the guinea pigs. Second resolution; No acceptance of any and all wastes at County landfills from Deep Shale Horizontal Drilling of natural gas by High Volume Hydraulic Fracturing methodology. Suggestion, 10 year moratorium. Third resolution; No acceptance of Deep Shale Horizontal Drilling wastes from High Volume Hydraulic Fracturing Methods for use as a road application until chemical and radioactive analysis procedures are in place for monitoring these fluids. A lot of brine, in fact most brine is not just salt water, it has come out of wells and if you look at the science on it, you will see that it has a lot of stuff in it that you do not want your grandchildren to be playing around in. The next resolution; requesting Governor Cuomo to exclude Lake Eire and Chautauqua Lake Water Sheds from permitting Deep Shale Horizontal Drilling and High Volume Hydraulic Fracturing and the last one; request municipal non-acceptance of High Volume Hydraulic Fracturing Flowback and production fluids at waste water treatment facilities. Again, we're suggesting a 10 year moratorium so that we have time. Right now they have drilled wells in Pennsylvania –

Chairman Gould: Your time is up and I am sure if you leave those with the attorney so he can look them over if he can find a sponsor it would come to the floor. That is the best advise that I can give you.

Bonnie Peters, Cassadaga, New York. As I am standing here awaiting my turn I look and I see a bunch of glazed over looks and that includes myself but I really felt like I needed to stand up and Mr. Chairman and say to you and all the Legislators, that even though we're all tired, I do appreciate that you took all the time to let every person no matter what their view was to be able to have their say to you this evening. Thank you very much and have a good night.

Chairman Gould: Anybody else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing none, we'll close the privilege of the floor.

MOVED by Legislator Croscut, SECONDED by Legislator Whitney and duly carried the meeting was adjourned. (10:43 p.m.)

Regular Meeting  
 Chautauqua County Legislature  
 6:30 P.M.  
 Wednesday, March 27, 2013  
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampo called the roll and announced a quorum present. (Absent: Cornell, Croscut, James, Nazzaro, Wendel)

Legislator DeJoy delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Borrello and duly carried the minutes were approved. (2/27/13)

1<sup>st</sup> Privilege of the Floor

Mr. Douglas Conroe, Maple Springs, Town of Ellery. I am here this evening in my role as the current President of the Chautauqua Lake Association. You have on the bed tax waterways this evening a measure that will, in part, support lake maintenance efforts. The Board has asked me to come and express it's appreciation for your continuing support over the years. As we know, lake maintenance doesn't go away so we really appreciate your continuing that again this year. Your involvement helps us bring in other funds from other sectors. That is a \$676,000 project this year to do normal maintenance and your \$90,000 will help in that regard and that help us. We still have \$80,000 to go to reach our budget but we are working hard. It makes a big difference when we go out in the community and people say yes, Chautauqua County is at the plate and we just want to say thank you. It is meaningful and it will produce results. I have talked to the Planning & Economic Development Committee in the past about how the results and the millions of dollars of savings, actually.

If I could digress just a moment from the Chautauqua Lake Association and talk about another aspect of the waterways tax. Today I had the unexpected privilege of going over to the Tom Ridge Center at Presque Isle State Park along with Trisha from the Watershed Conservancy. The Lake Association and the Watershed Conservancy collaborate a lot. I attend the Planning Committee input meeting of the Lake Erie/Allegany Partnership for Biodiversity. This is a natural resource group that has quite a brain trust from Cleveland Metro Parks Biologist, Aquatic Biologist, Terrestrial and the Cleveland Museum of Natural History and they want Chautauqua County and part of the program of the Lake Erie/Allegany Plain, biodiversity project. They recognize what we have here in terms of Chautauqua Lake but they recognize everything along the escarpment and I have to say Bear Lake. You have funding in here for Bear Lake maintenance too, I believe, and Bear Lake is really a treasure in their eyes as to the wetlands and woodlands that are up there and the promise that it has. This is going to bring research dollars into Chautauqua County. This is going to bring tourism dollars into Chautauqua County, this is a major project. This is also probably going to bring in some seminars here. So, your continuing support of bed tax funds for waterway enhancement has meaning beyond what we normally think of and thank you.

Chairman Gould: Is there anyone else to speak to the privilege of the floor? Seeing no one, I will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
 NO VETOES FROM 2/27/13

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6:45 P.M.

PUBLIC HEARINGLEASE AGREEMENT W/ JOHNSTOWN RENTAL  
& LEASING d/b/a HERTZ RENT-A-CAR AT  
JAMESTOWN AIRPORT

Chairman Gould: We'll open the floor up for the public hearing. (6:45 p.m.) Is there anyone to speak at the public hearing? Seeing no one, we'll close the public hearing. (6:46p.m.)

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## COMMUNICATIONS:

1. Letter – County Exec. – Re: Apptmt. to Chaut. County Fire Advisory Bd.
2. Report – Fin. Director Marsh – Re: February 2013 Investment Report
3. Dashboard Report – Fin. Dir. Marsh – 2012 Electric Plant Production
4. Email – From NYSAC – Re: Home Rule Authority for Sales Tax Increase
5. Proof of Publication – Re: Public Hearing Notice – Lse. at Jmst. Airport, Hertz Rent-A-Car
6. Petition (71 signatures) Re: Ban on High Volume Hydraulic Fracturing of Natural Gas
7. Fort Orange Press – Re: Printing of Optical Scan Ballots
8. LaBella Company – Re: Preparing for 2013 Grants
9. NYS Fish, Wildlife & Marine – Monthly Highlights 12/2012 to 1/2013
10. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 2 & 3-13
11. Letter – Senator Young – Re: Naming of Rt. 394 Bridge/T. of N. Harmony
12. Letter – Senator Young – Ack. Receipt of Res. 27-13
13. NYSAC – Re: Ack. Receipt of Motions 2 & 3-13

Legislator Barmore: Could we have number 11 read please.

Clerk Tampio: This letter is from Senator Catharine M. Young, of the 57<sup>th</sup> District to Chairman Gould, Chautauqua County Legislature.

Dear Mr. Gould: Thank you for your support of naming the Route 394 bridge. It would be helpful for you to introduce a resolution which would designate the bridge located on Route 394 which passes over State Highway I-86 in the Town of North Harmony, in the County of Chautauqua, as the "John Stow Vietnam Veterans and MIA Memorial Bridge."

As you know, Marine PFC John L. Stow was killed in action in the Vietnam War in 1968. PFC Stow embodies the type of heroic soldier who dedicated his life to the cause of freedom for our great nation, making the ultimate sacrifice. This bridge would memorialize PFC Stow, including all soldiers that served in Vietnam, as well as all soldiers that have gone Missing in Action during military service to our country.

I am writing to request that the Chautauqua County Legislature, if you should so concur with this proposal, pass a resolution in support of designating this bridge located on Route 394 which passes over State Highway I-86 in the Town of North Harmony, as the "John Stow Vietnam Veterans and MIA Memorial Bridge." Such resolution would allow this local matter to progress through the legislative process.

Enclosed for your reference, is a copy of the letter sent to me by PFC Stow's family with this request.

Continuing communication with local governments has always been, and will continue to be, one of my highest priorities. Thank you for your cooperation and assistance. Please do not hesitate to contact me if I may be of further assistance or if you have any questions or concerns. Sincerely, Catharine M. Young, Senator, 57<sup>th</sup> District

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MOTION: (On file w/ 3/27/13 Leg. Data)

4-13 Support for NYS-Contact Information for Vacant Structures – Unanimously Adopted

## RES. NO. 53-13

## Establishing Procedures for Public Hearings on Water and Sewer Charges and Appeals from Rate Fixing Determinations of the North County Industrial Water District No. 1 and the North County Industrial Sewer District No. 1

By Public Facilities Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, New York State County Law § 266 requires that the Chautauqua County Legislature prescribe the manner of holding public hearings upon County water district rate schedules and sewer district charges and of taking appeals from the rate fixing determinations of the administrative bodies of such districts; and

WHEREAS, it would be appropriate that such procedures for the North County Industrial Water District No. 1 and the North County Industrial Sewer District No. 1 (the "District" or "Districts") be updated and made consistent with the procedures utilized by other County districts; therefore be it

RESOLVED, That the public hearing to be held by the Administrative Bodies of the Districts before adopting water district rate schedules or sewer district charges pursuant to County Law § 266 be held at a place within the Town of Dunkirk or Town of Sheridan and that the public notice of the date established by the Administrative Bodies for such hearing be published once, not less than ten (10), nor more than twenty (20) days prior to such date in the Observer, a newspaper published in the City of Dunkirk, New York; and be it further

RESOLVED, That said public notice shall state that the Board of Directors of the applicable District, as the Administrative Body of such District, calls a public hearing upon the water rate schedules or the scale of charges for the collection, conveyance, treatment, and disposal of sewage within the Districts to be established, pursuant to § 266 of the County Law and this Resolution, together with the place, date, day of the week and time when such hearing will be held; and be it further

RESOLVED, That effective upon the repeal of Local Law 2-96 of the County of Chautauqua, the following procedure is established for taking appeals from rate fixing determinations of the Administrative Bodies of the Districts, and the Resolution of the Districts establishing the scale of charges adopted by the Administrative Bodies of the District shall incorporate this procedure:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the applicable District, c/o the Chautauqua County Law Department, 3 North Erie Street, Mayville, N.Y. 14757 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the applicable District shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested

showing the party to whom delivery was made addressed to "Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three-member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board of Directors by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the applicable District Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and re-submittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The applicable District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the Districts made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the applicable District, c/o the Chautauqua County Law Department, 3 North Erie Street, Mayville, N.Y. 14757 or the property owner at the address stated in his appeal.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – March 27, 2013

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RES. NO. 54-13

Confirming User Charges: Portland Pomfret Dunkirk Sewer Districts

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

WHEREAS, the Board of Directors of the Portland Pomfret Dunkirk Sewer District, the Administrative Body of the Portland Pomfret Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland Pomfret Dunkirk Sewer District; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; therefore be it

RESOLVED, That the *Charges by the Portland Pomfret Dunkirk Sewer District* adopted by the Board of Directors of the Portland Pomfret Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

#### CHARGES BY THE PORTLAND POMFRET DUNKIRK SEWER DISTRICT

##### SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

##### SECTION II

###### Definitions

As used herein, the following terms shall mean and include:

A. *District*. The Portland Pomfret Dunkirk Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. *Administrative Head*. The Administrative Head or body of the Portland Pomfret Dunkirk Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. *User*. The assessed owner of a parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

##### SECTION III

###### Charge Areas

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

A. Property served by a collector sewer to which

1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.

2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.

B. Property served by a collector sewer which was constructed by the District.

##### SECTION IV

###### Units Per Parcel

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

- A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries, shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.
- C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.
- D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 12,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.
- E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

## SECTION V

### Scale of Charges

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	RATES PER UNIT
	A1	\$ 450.00

A2	355.00
B	316.00

B. \$0.00550 per gallon (or \$5.50 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

#### SECTION VI

##### Billing

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by adding the following two items:

1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).
2. The actual or estimated water use of such parcel in gallons multiplied by \$0.00550 determined in accordance with Section V B hereof.

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

#### SECTION VII

##### Appeals

In accordance with Section 266 of the County Law and Resolution 235-03 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the Portland Pomfret Dunkirk Sewer District, 1 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the Portland Pomfret Dunkirk Sewer District shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for

denying the appeal. In the latter case, the Board of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to a Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757@.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board of Directors by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the District Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the Portland Pomfret Dunkirk Sewer District, 1 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

#### SECTION VIII

##### Severability

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

#### SECTION IX

##### Effective Date and Repealer

This law shall be effective May 1, 2013. The law confirmed by Resolution 15-04 of the Chautauqua County Legislature shall be repealed prospectively as of May 1, 2013.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Borrello, Heenan

Unanimously Adopted – March 27, 2013

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RES. NO. 55-13

Authorizing Financing of Repairs for Portland-Pomfret-Dunkirk Sewer District

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

WHEREAS, pursuant to Local Law 18-95 of the County of Chautauqua, the County is authorized to assist sewer districts in financing improvements and repairs to district infrastructure; and

WHEREAS, the Portland Pomfret Dunkirk Sewer District is in need of repairs to its pumping stations, and has requested that the County assist in the financing of the improvements; and

WHEREAS, there are adequate funds in the County's Capital Reserve Fund for the proposed financing; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves a loan from the Capital Reserve Fund in the amount of \$250,000 to the Portland Pomfret Dunkirk Sewer District at a rate of 2.5% for 10 years pursuant to Local Law 18-95 and upon such other terms and conditions approved by the County Executive; and be it further

RESOLVED, That the Director of Finance is authorized to make the necessary account transfers to fund this project.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Borrello, Heenan

Unanimously Adopted – March 27, 2013

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RES. NO. 56-13

Resolution in Support of Designation of "John Stow Vietnam Veterans and MIA Memorial Bridge"

By Public Facilities Committee:  
At the Request of Chairman Jay Gould, Legislators Himelein, Stewart, DeJoe, Erlandson, Horrigan, and County Executive Gregory J. Edwards:

WHEREAS, Marine PFC John L. Stow was killed in action in the Vietnam War in 1968; and

WHEREAS, PFC Stow embodies the type of heroic soldier who dedicated his life to the cause of freedom for our great nation, making the ultimate sacrifice; and

WHEREAS, the designation of the bridge located on State Route 394 which passes over I-86 in the Town of North Harmony, as the "John Stow Vietnam Veterans and MIA Memorial Bridge," would memorialize PFC Stow and all soldiers that served in Vietnam, as well as all soldiers that have gone Missing in Action during military service in our country; therefore be it

RESOLVED, That the Chautauqua County Legislature supports the State of New York's designation of the bridge located on State Route 394 which passes over I-86 in the Town of North Harmony as the "John Stow Vietnam Veterans and MIA Memorial Bridge;" and be it further

RESOLVED, That the Clerk of the County Legislature is directed to send a copy of this resolution to State Senator Catharine Young and Assemblyman Andrew Goodell.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – March 27, 2013

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RES. NO. 57-13  
Recognition of Earth Day

By Public Facilities Committee:

At the Request of Legislators Barmore, Tarbrake, and Erlandson, DeJoe:

WHEREAS, the County Executive and County Legislature recognize the importance of a clean and attractive environment; and

WHEREAS, the County Executive and the County Legislature desire to encourage community and civic groups to clean public parks, roadways, waterways and other public areas; and

WHEREAS, it is appropriate to waive the user fees at the County Landfill and County Transfer Stations for refuse collected by such community and civic groups, thus encouraging greater public participation in maintaining Chautauqua County in an environmentally clean and attractive condition; therefore be it

RESOLVED, That in recognition of Earth Day the user fees at the Chautauqua County Landfill and County Transfer Stations be waived for refuse collected by community and civic groups as part of organized clean-ups of public parks, roadways, waterways and other public areas for the period from Saturday April 20, 2013 through Saturday May 18, 2013, provided such community and civic groups advise the County Landfill of their organized clean-up activities one week prior to the start of the activity.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – March 27, 2013

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RES. NO. 58-13  
Establish Account for Payment of Legal and Appraisal Costs Associated with Real Property Assessment Challenges and Litigation

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 216-98, the County Legislature approved the County's shared participation with cities, towns, and villages in the costs of defense of real property tax assessment challenges where the reduction in assessed value being sought is equal to or greater than \$1,000,000.00; and

WHEREAS, a budget for payment of the above expenses should be established as a separate account, therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2013 budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

A.1355.----.4	Contractual – Tax Assessment Challenge	\$100,000
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INCREASE REVENUE ACCOUNT:

A.1310.9999.R105.1000	Other Real Property Tax Items – Sales: Tax Acquired Property	\$100,000
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Signed: Scudder, Tarbrake, DeJoe, Cornell, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 59-13  
2012 Hazardous Materials Grant Program Budget Allocations

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

WHEREAS, the Office of Emergency Services was awarded Regional Partnership Grants in the amount of \$47,000 under the 2012 Hazmat Grant Program, accepted with Resolution # 240-12 and \$70,552 under the 2011 Hazmat Grant Program, accepted with Resolution # 107-12; and

WHEREAS, the grants have and will be used to purchase HazMat and Counter Terrorism equipment and supplies to enhance regional HazMat response capabilities as per the work plans for the grants; and

WHEREAS, the 2013 budget does not include these grant funds and must be amended; therefore be it

RESOLVED, That the Director of Finance is directed to make the following 2013 budgetary changes:

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Fed Aid: Homeland Security Program	\$53,000
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INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.2	Equipment – Hazardous Materials	\$ 8,945
A.3640.----.3	Depreciable Equipment – Hazardous Materials	\$40,254
A.3640.----.4	Contractual - Hazardous Materials	\$ <u>3,801</u>
		\$53,000

Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

RES. NO. 60-13  
 Authorize Increase in Petty Cash Fund for the Victim Impact Panel

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

WHEREAS, pursuant to Resolution No. 134-04, the County established a petty cash fund in the amount of \$200.00 for the Victim Impact Panel; and

WHEREAS, speaker fees related to the Victim Impact Panel recently increased; and

WHEREAS, it is appropriate for efficient operations of the Victim Impact Panel to increase the petty cash fund to \$300.00; now therefore be it

RESOLVED, That the Victim Impact Panel's petty cash fund is hereby increased to \$300.00; and be it further

RESOLVED, That the Sheriff or his designee shall be responsible for the use of the Petty Cash Fund; and be it further

RESOLVED, That the Director of Finance is hereby authorized to and directed to make the necessary budgetary changes to transfer funds into the Victim Impact Panel's petty cash fund pursuant to Section 371 of the New York State County Law.

Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 61-13  
 Agreements with Jamestown Community College for Sheriff's and Fire Service Academy

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

WHEREAS, for both the Sheriff's Academy and Fire Service Academy, Jamestown Community College has agreed to provide the Office of the Chautauqua County Sheriff and the Office of Emergency Services reimbursement for the County's cost of instruction and program coordination associated with the Fire Academy programs; and

WHEREAS, the Fire Service Academy did generate a surplus of revenue over expenses for the County and it is appropriate that any such surplus be appropriated to capital account(s) for improvement of fire training centers; and

RESOLVED, That any surplus of revenue over expenses from the Fire Service Academy be appropriated to capital account(s) for improvement of fire training centers, and be it further

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

<u>INCREASE CAPITAL PROJECT ACCOUNT:</u>		
H.3410.510.4	Contractual – Training Center Enhancement	\$12,852

INCREASE CAPITAL REVENUE ACCOUNT:

H.3410.510.R226.0001	Charges: Other Gov't-JCC Reimbursement	\$12,852
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Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 62-13

Authorize Execution of Grant Agreement with the New York State Division of Criminal Justice Services for Narcotics Control

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

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York has approved the application for the Byrne JAG Grant; and

WHEREAS, the State of New York will provide funding in the amount of \$75,000 for the initial contract period from July 1, 2012 to June 30, 2013 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Byrne JAG Grant in the amount of \$75,000 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2013 budgetary changes:

ESTABLISH & INCREASE APPROPRIATION ACCOUNTS:

A.4230.3113.1	Personal Services – Southern Tier Regional Task Force	\$29,859
A.4230.3113.4	Contractual – Southern Tier Regional Task Force	42,857
A.4230.3113.8	Employee Benefits – Southern Regional Task Force	<u>2,284</u>
		\$75,000

ESTABLISH & INCREASE REVENUE ACCOUNT:

A.4230.3113.R432.4000	Federal Aid – Drug Control	\$75,000
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Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 63-13

Authorizing Annual Renewal of Agreement with New York State Unified Court System to Provide Court Security

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

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

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

WHEREAS, the New York State Unified Court System has approved the Sheriff's provision of suitable Court Officers and Deputy Sheriffs with reimbursement to the County in the amount of \$628,000.00 for the period of April 1, 2012 through March 31, 2013; therefore be it

RESOLVED, That the County Executive and Sheriff are hereby authorized to execute an agreement with the New York State Unified Court System for court security services including adjustments to staffing schedules and reimbursement to the County by the State for Court Officers and Deputy Sheriffs in the amount of \$628,000.00 for the period of April 1, 2012 through March 31, 2013 and also execute addenda or amendments for additional sums, if any, hereinafter due for services rendered during such period.

Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 64-13

Accept Funds from New York State Department of Homeland Security and Emergency Services for Round 2 Statewide Interoperable Communications Grant (SICG)

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

WHEREAS, the Chautauqua County Executive has received correspondence from the New York State Department of Homeland Security and Emergency Services announcing the award of \$6,000,000.00 to fund the development, consolidation and/or improved operation of public safety communications, with no local funds, to support and enhance statewide interoperable communications for first responders throughout New York State, and

WHEREAS, pursuant to Resolution 211-12, the County Legislature authorized the County Sheriff and County Executive to take all necessary steps to advance the project, including finalizing of grant agreements and consortium arrangements with neighboring counties; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the appropriate grant agreements with the New York State Department of Homeland Security and Emergency Services in the amount of \$6,000,000.00, and be it further

RESOLVED, That the County Executive is authorized to enter into any necessary consortium agreements with neighboring counties as may be required for the project; and be it further

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

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3110.06759.4	Contractual – County-Wide Radio Project	\$6,000,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3110.06759.R339.7000	NYS Aid – Public Safety Capital	\$6,000,000
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Signed: Duff, Whitney, Wendel, Hemmer, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

RES. NO. 65-13  
Amend Resolution 48-12 – 2% Lakes and Waterways Funding

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Legislators Croscut, Horrigan, Tarbrake:

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, policy guidelines to allocate the limited resources generated by the revenues over three-fifths (the newer 2% tax) were amended pursuant to Resolution 48-12, and it is appropriate to further amend such guidelines; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines established pursuant to Resolution 48-12 for the allocation of occupancy tax revenue over three-fifths (the newer 2% tax), as follows:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by \$90,000 of the occupancy tax for lakes and streams. All funds not utilized annually shall be returned to the reserve fund for lakes and streams.
2. ~~An annual emergency contingency fund shall be created and supported by \$40,000 of the occupancy tax for lakes and streams, with expenditures subject to approval of the County Legislature for the following purposes, based on demonstrated need:~~
  - ~~Implementation of recommendations outlined in the Chautauqua Lake Management Plan (2010);~~
  - ~~Development and implementation of a Submerged Aquatic Vegetation Management Plan (SAVMP);~~
  - ~~Submerged aquatic vegetation management (including but not limited to harvesting and shoreline cleanup);~~
  - ~~Harbor remediation including, but not limited to, dredging and submerged aquatic vegetation (SAV) management;~~
  - ~~Shoreline and stream bank stabilization.~~

**Strikethrough Indicates Deletion**

~~Remaining funds not utilized annually shall be returned to the reserve fund for lakes and waterways.~~

3 2. The Chautauqua County Soil & Water Conservation District shall be supported by \$100,000 for its assistance in the implementation of watershed management projects on a county-wide basis.

4 3. Maintenance of the waterways, which shall include ~~harvesting of SAV and shoreline cleanup~~ nutrient and sediment reduction, and SAV management, shall be funded through the provision of funding to the following organizations:

- a. Chautauqua Lake Association – ~~\$50,000.00~~ \$90,000.00
- b. Findley Lake Association – \$5,000.00
- c. Cassadaga Lake Association – \$3,000.00
- d. Bear Lake Association – ~~\$750.00~~ \$1,500.00
- e. Lake Erie Management Commission – \$25,000.00
- f. Department of Public Facilities, Division of Engineering for Conewango Watershed dam engineering inspections as required by the DEC "Dam Safety Regulations" – \$25,000.

It is the intent of the County Legislature that unused portions of the aforementioned annual allocations to the Lake Erie Management Commission and Department of Public Facilities shall be re-appropriated for the same purposes in future fiscal year(s).

5 4. The balance of the annual occupancy tax revenues generated over three-fifths by the ~~new~~ 2% tax shall be utilized to enhance and protect the lakes and streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:

- a. A seven (7) member Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and stream protection and enhancement projects submitted to the Legislative Planning and Economic Development Committee annually. The Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.
- b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. These parameters shall include that the purchase of any property is not eligible as a project to be funded by the 2% Lakes and Waterways Bed Tax. The Waterways panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.
- d. All requests shall be initially ranked on a "Waterways Ranking Form" prior to final prioritization and recommendations by the Waterways Panel to the Legislative Committee.

**Strikethrough Indicates Deletion, Underlined Indicates New**

- e. If during annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information surface that
- f. prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project. If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and waterways.

Signed: Croscut, Ahlstrom, Rogers, Borrello, DeJoe, Himelein, Heenan

Unanimously Adopted – March 27, 2013

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RES. NO. 66-13

2013 Distribution of the 3% Occupancy Tax to Various Organizations

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua established an Occupancy Tax Program by Local Law 12-03 pursuant to Chapter 366 of the Laws of 1989 of the State of New York; and

WHEREAS, it is appropriate for the County to make plans for the use of the Occupancy Tax net proceeds; and

WHEREAS, the Occupancy Tax Tourism Panel, created by Resolution #118-08, has carefully reviewed and prioritized requests for the Occupancy Tax funding for 2013 for the promotion and development of tourism; therefore be it

RESOLVED, That the following organizations be awarded the following amounts of Occupancy Tax funds in the 2013 County Budget:

- Lucille Ball Comedy Festival, 8/7-8/11/2013 \$10,000.00
- Jazz at Chautauqua, 9/15-9/19/2013 \$ 4,500.00
- Festivals Fredonia, event series \$ 6,400.00
- Jamestown Regional Celtic Festival, 8/23-8/24/2013 \$10,000.00
- Scandinavian Folk Festival, 7/19-7/21/2013 \$ 3,000.00
- Village of Celoron Waterfront Revitalization Plan \$10,000.00
- Portland Bicentennial Celebration, April to July, 2013 \$ 2,000.00

Signed: Croscut, Ahlstrom, Rogers, Borrello, DeJoe, Heenan, Himelein

Unanimously Adopted – March 27, 2013

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RES. NO. 67-13  
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 offer for the County's Tax Liens on property described as Town of Ellicott Section 386.14,

Block 2, Lot 41 (formerly known as Section 386.14, Lot 2, Block 42..A) under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, the County has received an offer from Silver Discount Properties, LLC to purchase said property for the sum of \$400.00.; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offer received is in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 44-13; therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute a Quitclaim Deed conveying to Silver Discount Properties, LLC, herein mentioned, the interest of Chautauqua County in said property under said tax sale certificates for the purchase price of \$400.00 plus recording fees; and be it further

RESOLVED, That the purchaser will be responsible to pay property taxes for said property beginning with the 2013 County/Town Tax bill; 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.

Signed: Scudder, Tarbrake, DeJoe, Cornell

Adopted – R/C Vote: 19 Yes; 1 No; 5 Absent – (No: Duff) – March 27, 2013

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LOCAL LAW  
INTRODUCTORY NO. 2 - 13  
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING COUNTY OF CHAUTAUQUA TO ACT AS AGENT FOR LOCAL  
AUTHORITIES FOR THE REMOVAL OF ABANDONED VEHICLES

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

Section 1. Scope of Authority.

The County of Chautauqua is hereby authorized to act as the agent of local authorities within the county, as defined by the vehicle and traffic law, to take into custody vehicles abandoned within the jurisdiction of such local authorities upon the adoption of a resolution by the legislative body of such local authority authorizing the County of Chautauqua to act as such agent. The County Executive may utilize the Office of the Sheriff to perform such functions as may be required in pursuance of the authority herein granted.

Section 2. Procedure.

The removal and disposition of all abandoned vehicles by the County, as agent of the local authority, and disposition of any proceeds resulting from the sale of such vehicles shall be governed by the provisions of the vehicle and traffic law and the regulations of the commissioner of motor vehicles.

Section 3. Agreements.

The County Executive is hereby authorized to execute all agreements between the County and the local authorities which may be required to implement this local law.

Section 4. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Mailed: 3/15/13

Defeated by Legislature: 3/27/13

R/C Vote: 8 Yes; 12 No; 5 Absent (No's: Barmore, Coughlin, DeJoy, Duff, Erlandson, Hemmer, Hoyer, Rogers, Runkle, Scudder, Stewart, Whitney)

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LOCAL LAW  
INTRODUCTORY NUMBER 3-13  
CHAUTAUQUA COUNTY

A LOCAL LAW REPEALING LOCAL LAW 2-96 OF THE COUNTY OF CHAUTAUQUA

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

Section 1. Purpose.

The purpose of this Local Law is to repeal prospectively Local Law 2-96 of the County of Chautauqua. Local Law 2-96 established a schedule of charges for the North County Industrial Water District No. 1 and an appeal procedure pertaining to rate fixing determinations of the District. In the future, it would be more expedient and less expensive for such charges and appeal procedures to be established and modified as necessary from time-to-time by way of a resolution of the County Legislature rather than by local law.

Section 2. Prospective Repeal.

Local Law 2-96 of the County Chautauqua is hereby repealed prospectively only, and shall be no longer in force and effect only for the period after the effective date of this local law.

Section 3. Effective Date.

This local law shall become effective upon filing with the Secretary of State.

Mailed: 3/15/13

Adopted by Legislature: 3/27/13 R/C Vote: 20 Yes; 5 Absent

Adopted as Local Law 2-13

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2<sup>nd</sup> Privilege of the Floor

My name is Scott Probeck, I work for the Harris Corporation out of Rochester, New York. I just want to give you a little bit of background. I just retired from the NYPD in September and I ran the NYPD radio shop for 25 years. Been through 9-11, had 150 working for me. I was in charge of a \$20 to \$25 million dollar budget. With that said, I ran the radio shop and with that said, I had 70 radio systems. With those 70 systems, an RFP had been given out from the County of Chautauqua and we responded to that RFP back in December. In January we had some oral presentations. Well, actually

back in December when we opened our bids, we gave the County a fantastic radio system with top notch technology, leading edge technology for a great price. I met the Sheriff about 6 ½ years ago and he has been a gentleman to work for as his department.

Just real quick on Harris. Harris, if you don't know, is based out of Rochester, New York. Our RF Division which has over 2,300 employees for the State of New York. The system that we presented to the County of Chautauqua is actually built in the USA and built in Henrietta, New York where we have over an 85,000 square foot factor which I invite everybody, and I'll leave some business cards up front that can tour the facility. When we offered the initial proposal to the County, our competitor also offered theirs. We offered a certain technology and the other company offered another technology. We were asked to come back and give a best and final offer. We opened up our initial prices so the competition knew our price and our technology. When we handed our second proposal and in our (*inaudible*) and when we read the Public Safety minutes of last week's meeting, it was disheartening that since the competition knew our price and they knew – we're asking to at least – we wrote a letter today to Mr. Carlson and we're going to follow up with that but we're asking the citizens of Chautauqua County give both companies one last (*inaudible*.) The bottom line, it is your money. Congratulations to the grant that you received. I think it is fantastic but again, give both companies one more last minute and best offer to the County and then you can make your decision. Again, the equipment is made is right here in the USA and again, you ladies and gentleman are more than welcome to visit the facility. With that said, I just want to thank everybody in Chautauqua County and their support.

My name is Tony Papendra, also with Harris. I live in Rochester, New York. I am a Program Manager with Harris. I work on probably at least a dozen, two dozen proposals a year. I have a long history with Chautauqua County. I have been in and out of this County for over the past four years. Met many of the public safety folks so this County hits home with me. You are all about to make a very important decision regarding the public safety communication system that will eventually be voted on. You will also, as taxpayers, should and will want this system to last for at least 10 to 20 years so this is a very important decision. There is certain nuances you should consider such as a New York based company within a couple of hours drive from here. The quick response, the support. Being that it is headquartered nearby we're also embarking on acceptance testing of some neighboring counties, Ontario, Monroe, and we'll be starting breaking ground in Orleans County as well. All of these other counties can very easily interact and talk with Chautauqua County, something else to consider. The recent RFP asked for a slow growth migration from a communication system that you have today, over the next two years to bring users on board and upgrade all users to a P25 system. Being that we have had interaction over the past four years with Chautauqua County, Harris far surpassed the requirements and presented to you a P25 system that would allow migration of users today, once it was deployed rather than the slow growth and painful process that was proposed in the RFP. As my colleague pointed out, we provided state of the art technology which are competitor did not. They met the requirements. That said, that is fine, it's your taxpayer dollars but I think we offered the best value for the County and that should really be considered in the vote that is coming up. The fact that the proposal was presented in such a way that our technology and our offering was offered and allowed to be reviewed by any competitor out there. So, what we are asking for is a fair shake in that process and to have that considered. Again, we are a local company. This one is personal to me. I have spent a long time visiting sites, talking to the counties and while looking at the RFP, we really understood the needs of the County rather than the requirements that we're written on the paper. I would just like you to really consider your neighbors that will provide support for 10, 20, maybe longer years in the future.

My name is Susan Baldwin, Villenova, New York and I would like to say thank you for your vote last month and I would also like to ask Larry Barmore where he gets the documentation that it costs a quarter of a million dollars in a month. Because so far, no contract has been found, they have been working 2 years without a contract, so that is not – that was like a million dollars of that \$4 million dollars that it cost the County to employ people. Then you've got four jobs that I know of that aren't even existing at the County Home anymore. That's \$400,000 there. Then you got, Mr.

Edwards hasn't considered a contract yet. So, how do you come up with a quarter of a million dollars in a month? No documentation for that. I can pick numbers out too. I made a million dollars last month, do you believe it? Anyways, thank you.

MOVED by Legislator Himelein, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (7:12 p.m.)

Regular Meeting  
 Chautauqua County Legislature  
 6:30 P.M.  
 Wednesday, April 24, 2013  
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Deputy Clerk Foster called the roll and announced a quorum present

Legislator Hemmer delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Wendel and duly carried the minutes were approved. (3/27/13)

1<sup>st</sup> Privilege of the Floor

No one chose to speak.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
 NO VETOES FROM 3/27/13

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COMMENDATIONS:

MATT TRUSSO  
 BY  
 CHAIRMAN GOULD & LEGISLATOR DUFF

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SILVER CREEK BLACK KNIGHTS BOYS BASKETBALL TEAM  
 BY  
 LEGISLATOR BORRELLO

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COMMUNICATIONS:

1. Report – Fn. Director Marsh – March 2013 Investment Report
  2. Letter – JCC President DeCinque – Re: Invite to President's Roundtable
  3. Letters(2) – Senator Young – Re: Ack. Receipt of Motions 2 & 3
  4. The CHRIC Report
  5. Fish & Wildlife Monthly Highlights/February 2013
  6. NYS Public Service Commission – Re: Modifying Electric Safety Standards
  7. Drug Free Schools Coalition of NY – Re: Opposing Medicinal Marijuana
  8. Acknowledgement – NYS Dept. of State – Ack. Receipt of LL 2-13
  9. Financial Statements – 2012 - CCIDA
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MOTION: (On file w/ 4/24/13 Leg. Data)

5-13 Motion Calling on the NYS Legislature to Enact & Governor Cuomo to Sign Into Law, Such Legislation as Shall Protect the Privacy of NYS Pistol License and Concealed Carrying Permit Holders – Adopted w/ Coughlin, Hoyer, James, Rogers, Whitney voting "no"

RES. NO. 68-13  
Confirm Appointment - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Fire Advisory Board.

Lyle Holland  
47 Clinton St.  
Westfield, N.Y. 14787  
Term Expires: 1/31/14

2<sup>nd</sup> Battalion Alternate  
Position last held by Mark Smith, who has  
moved up to fill a full-time membership spot.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – April 24, 2013

RES. NO. 69-13  
Authorizing Automobile Rental Lease Agreement w/ Johnstown Rental & Leasing d/b/a Hertz Rent-A-Car at the Chautauqua County Airport at Jamestown

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

WHEREAS, renewal of a non-exclusive automobile rental concession lease agreement with Johnstown Rental & Leasing d/b/a/ Hertz Rent-a-Car will promote the smooth and efficient operation of the airport; and

WHEREAS, the Chautauqua County Airport Commission has approved and recommended renewal of the agreement; and

WHEREAS, the portion of the airport terminal building and parking lot covered by the proposed concession agreement is not required for public use; and

WHEREAS, the necessary public hearing was held on March 27, 2013; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the automobile rental concession lease agreement at the Chautauqua County Airport at Jamestown on substantially the following terms and conditions:

1. Premises: Counter space in the airport terminal. Five parking spaces in the ready lot, and an additional 15 parking spaces in the public lot.
2. Rent: Ten (10) percent of gross revenues, \$125/month for counter space, and \$10/month for trash pickup. Hertz Rent-a-Car may park fifteen cars in the public parking area free of charge; thereafter, a charge of \$5.00 per car per day applies.
3. Term: January 1, 2013 to December 31, 2015.
4. Utilities: Paid by the County.
5. Other: As negotiated by the County Executive.

Signed: Himelein, Stewart, Horrigan, Runkle, Nazzaro, DeJoe, Borrello, Heenan

Unanimously Adopted – April 24, 2013

RES. NO. 70-13

Authorizing the Implementation and Funding in the First Instance 100% of the Federal-Aid and "Marchiselli" Program Aid Eligible Costs of a Transportation Federal Aid Project, and Appropriating Funds Therefore for Prospect Street Bridge

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

WHEREAS, a Project for the Replacement of the Prospect Street Bridge over Mill Creek, BIN 3326130, in the village of Sinclairville, Chautauqua County PIN 5758.44 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the Construction and Construction Inspection Phases, estimated to be \$1,400,625, 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-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the project PIN 5758.44; and

WHEREAS, County resolutions 76-08 and 88-12 adopted March 26, 2008 and April 25, 2012, respectively, approved funding of the Preliminary Engineering (I-VI Design) and Right of Way Incidentals phases of project PIN 5758.44; and

WHEREAS, the non-Federal Funds for the Construction and Construction Inspection Phases, estimated to be \$280,125, will be borne at the ratio of 75% State and 25% County; and

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

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-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That the additional sum of \$1,400,625 is hereby appropriated from D.5112.390 and is made available to cover the cost of participation in the Construction & Construction Inspection phases of the project PIN 5758.44; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds the amount appropriated, and/or 100% of the full federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-IV) right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds \$1,640,625, the project's total cost, 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, reimbursement requests and other necessary documentation 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 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 Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A-----878.0000 Fund Balance, Reserved Fund Balance – Rsrv. for Capital \$ 70,031

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9901.9000.9 Interfund Transfers – Trans Co Road Suppl (A-D) \$ 70,031

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$1,400,625

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002 Federal Aid: Surface Transp Program \$1,120,500

D.5112.390.R358.9003 New York State Aid: Marchiselli Program \$ 210,094

D.5112.390.R503.1000 Interfund Transfer: Interfund Transfers \$ 70,031

\$1,400,625

Signed: Himelein, Stewart, Horrigan, Runkle, Nazzaro, DeJoe, Borrello, Heenan

Unanimously Adopted – April 24, 2013

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RES. NO. 71-13

Homeland Security Grant for FY09 – Project Coordination Team Extension and Homeland Security Grant for FY10 – Appropriations

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

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2009 and 2010 which have been extended to July 31, 2013; and

WHEREAS, Resolutions 95-10 and 127-11 authorized the County Executive to sign and accept the Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of the FY09 extended program, funds need to be in place to continue the project coordination teams' efforts to ensure all County municipalities have an updated Emergency Operations Plan to be integrated into the County Comprehensive Emergency Management Plan; and

WHEREAS, to meet the objectives of the FY10 program, funds need to be in place to purchase equipment & supplies as stated in the work plan to achieve the project goals; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.1	Personal Services – Emergency Service	\$35,735
A.3010.----.8	Employee Benefits – Emergency Services	2,734
A.3010.----.2	Equipment – Emergency Services	8,200
A.3010.----.3	Depreciable Equipment – Emergency Services	13,000
A.3010.----.4	Contractual – Emergency Services	<u>10,855</u>
		70,524

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$70,524
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Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Borrello, Himelein, Heenan

Unanimously Adopted – April 24, 2013

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RES. NO. 72-13  
Mental Hygiene – Health Home

By Human Services Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the state of New York has developed a care management service model to improve care coordination and service integration for Medicaid recipients with chronic conditions, which program is referred to as a "Medicaid Health Home;" and

WHEREAS, the Chautauqua County Department of Mental Hygiene has submitted a successful application to the New York State Department of Health for designation as a New York State Medicaid Health Home, serving members residing in or receiving services in Chautauqua, Cattaraugus, and Allegheny counties; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the New York State Medicaid Health Home designation letter, a New York State Department of Health Data Exchange Application and Agreement (DEAA), and such other agreements, certifications and documents, with the State of New York and with other governmental entities, as are necessary to implement and facilitate the Medicaid Health Home.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – April 24, 2013

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## RES. NO. 73-13

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Department of Planning and Economic Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County which will track and assist businesses in their early stages of development; and

WHEREAS, Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which is able to provide a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2013 through December 31, 2013.

Signed: Croscut, Ahlstrom, Rogers, Borrello

Unanimously Adopted – April 24, 2013

## RES. NO. 74-13

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua Industrial Development Agency was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 11 and Section 11.01 of the Chautauqua County Code the County of Chautauqua Department of Planning and Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth and capital improvements, as well as seeking funds to be used for development, and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose for the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of One Hundred Twenty-five Thousand Nine Hundred Fifty-two and 00/100 (\$125,952.00) dollars.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – April 24, 2013

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RES. NO. 75-13

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information, and establish, enhance and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its annual budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of Fifty-nine Thousand One Hundred Fifty-five and 00/100 (\$59,155.00) dollars.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – April 24, 2013

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RES. NO. 76-13

Authorize CCVB for Matching Funds for NYS Division of Tourism

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

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

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

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

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

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

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

1. That all interest earned from the Matching Funds Program monies be expended for generic County advertising according to the New York State guidelines for the Program, and
2. That all discounts, refunds and advertising agency commissions earned through the Matching Funds Program be reflected in the respective participant's account, and
3. That all of the participant's accounts be reconciled monthly and at the end of the program, and that Chautauqua County Visitors Bureau collect from or refund to participant's such local share as necessary to balance their respective accounts, provided that any local share less than \$50.00 be maintained by the Chautauqua County Visitors Bureau in the matching Funds account and expended for additional generic advertising for the County, and
4. That the above requirements be stated in the Program agreement with each participant; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$450,000.00 for the state fiscal year from April 1, 2013 through March 31, 2014.

Signed: Croscut, Ahlstrom, DeJoe, Rogers, Borrello, Runkle, Himelein, Heenan

Unanimously Adopted – April 24, 2013

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RES. NO. 77-13

Authorize Modification of CCIDA Bond for Chadwick Bay Industrial Park Spec Building

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 192-00, the Chautauqua County Legislature authorized the purchase of a \$2.8 million bond from the County of Chautauqua Industrial Development Agency (CCIDA) to finance the construction of a "spec building" at the Chadwick Bay Industrial Park; and

WHEREAS, a principal balance of approximately \$1.8 million dollars remains on the bond at an interest rate of 3% with the final payment due in 2042; and

WHEREAS, CCIDA has identified a purchaser for the building, Dunkirk Metal Products of WNY, that intends to keep the current tenant that occupies a portion of the building, and also intends to consider expansion of the building for both the tenant and itself; and

WHEREAS, payment of the CCIDA bond would continue to be secured by the spec building property, and it would be advantageous for the County to lower the interest rate on the bond in order to substantially shorten the payback of the bond and facilitate the private purchase of the facility; therefore be it

RESOLVED, That the County Legislature hereby authorizes the County Executive to modify the CCIDA bond for the Chadwick Bay Industrial Park Spec Building by lowering the interest

rate from 3.00% to 2.274%, changing the completion of the amortization of the bond from 2042 to 2032, and amending such other terms and conditions necessary to facilitate a sale of the facility.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Nazzaro, DeJoe, Heenan, Himelein

Unanimously Adopted – April 24, 2013

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RES. NO. 78-13

Authorizing Additional Allocation of 2% Occupancy Tax Funding to the Chautauqua Marina 2013 Shoreline Protection Project

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 25-13, the Chautauqua County Legislature adopted the prioritized recommendations of the Waterways Panel for projects to be completed with the 2013 2% Occupancy Tax; and

WHEREAS, the approved projects included an allocation of \$32,000 for the Chautauqua Marina 2013 Shoreline Protection Project; and

WHEREAS, it has been determined that the cost for the materials needed to fully complete the approved 2013 project was underestimated by \$8,000; and

WHEREAS, there are funds remaining for 2013 projects in the 2% Occupancy Budget that could be utilized to cover the deficit; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of an additional \$8,000 to the Chautauqua Marina 2013 Shoreline Protection Project which will raise the total allocation for the project to \$40,000.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Runkle, Nazzaro, Heenan, Himelein (A&C DeJoe voting "no")

Unanimously Adopted – April 24, 2013

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RES. NO. 79-13

Authorize Public Hearing on Community Development Block Grant Application

At the Request of County Executive Gregory J. Edwards and Chairman Jay Gould:

WHEREAS, the Chautauqua County Legislature wishes to assess the advisability of submitting a Community Development Block Grant ("CDBG") application to the New York State Office of Community Renewal (the "OCR") for funding to finance a portion of the cost of an economic development project in the Town of Harmony that will involve the establishment of a pet food manufacturing operation (the "Project"); and

WHEREAS, the County is required to hold a public hearing to provide information to the public and to consider citizen comments regarding the CDBG program and the Project prior to submitting an application for CDBG funding; now therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes at the regular meeting of the County Legislature to be held on May 22, 2013 at 6:45 PM in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757, at which time all interested parties shall be heard; and be it further

RESOLVED, That the Clerk of the County Legislature is authorized and directed to post notice of this public hearing in the Gerace Office Building; and to publish notice of this public hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form approved by the Chautauqua County Law Department.

Signed: Gould

Withdrawn by Sponsor – April 24, 2013

RES. NO. 80-13  
Amend 2012 Budget to Adjust Accounts for Year End Reconciliation

By Audit & Control Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, some departments have received revenues in excess of budget; and

WHEREAS, some expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That EL Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EL. ....909.0000	Fund Balance, Unreserved Fund Balance – Fund Balance	<u>\$339,555</u>
	Total	\$339,555

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2012 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1310. ....4	Contractual-Department of Finance	\$153,121
A.9991. ....9	Interfund Transfers-Oth Fin Use-Pymt to Refund	\$16,589,165
A.1610. ....5	Fixed Contractual-Office Services	\$408
A.3189.MEDI.4	Contractual-Other Law Enforcement - Medi-Vac	\$19,698
A.5610.5610.5	Fixed Contractual-Chaut Cnty Airport – Jmst. Airport	\$8,608
A.5630.5625.3	Depreciable Equipment-Bus Operations-CARTS	\$1,252
A.6510. ....5	Fixed Contractual-Veterans Service Agency	\$1,668
D.5110. ....4	Contractual-Maintenance of Roads	\$16,270
EL.8160.1000.4	Contractual-Environment - Landfill	\$339,555
EL.8160.6000.4	Contractual-Environment-Closed Landfills	\$6,298
EL.8160.7000.4	Contractual-Environment-Recycling	\$295

ESN.8130.8132.4	Contractual-Sewage Treatment-Sewage Treatment	\$85
ESN.9730.9732.7	Interest-Debt Service NCLSD Debt Service	<u>\$101,078</u>
	Total	\$17,237,501

DECREASE APPROPRIATION ACCOUNTS:

A.1610.----.4	Contractual-Office Services	\$408
A.3189.MEDI.4	Fixed Contractual-Other Law Enforcement - Medi-Vac	\$19,698
A.5610.5610.4	Contractual-Chaut Cnty Airport - Jamestown Airport	\$8,608
A.5630.5625.4	Contractual-Bus Operations-CARTS	\$1,252
A.6510.----.4	Contractual-Veterans Service Agency	\$1,668
D.5142.----.4	Contractual-Snow Removal: Co Roads	\$16,270
EL.8189.----.4	Contractual-Oth Ev-House Haz Waste	\$6,593
ESN.9730.9732.6	Principal-Bdebt Service NCLSD Debt Service	\$101,078
ESN.8120.8122.2	Equipment-Sanitary Sewers - Sanitary Sewers	<u>\$85</u>
	Total	\$155,660

INCREASE REVENUE ACCOUNT:

A.9991..R579.1000	Proceeds L/T Obligations - Advance Refunding Bonds	<u>\$16,742,286</u>
	Total	\$16,742,286

Signed: Runkle, Nazzaro, DeJoe, Borrello, Himelein, Heenan

Unanimously Adopted – April 24, 2013

## RES. NO. 81-13

Requesting Continuation of State Legislation Authorizing .5% Additional Sales Tax

By Audit & Control Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County's additional sales tax has been reduced from 1.25% to .5% since 2006, but it is expected that New York counties will see a continued rise in their mandated expenses; therefore be it

RESOLVED, That the County of Chautauqua requests the New York State Legislature to further amend Sections 1210 and 1262-o of the New York State Tax Law and any other applicable law to authorize the County of Chautauqua to continue to impose an additional sales tax of one-half percent (.5%) for the period December 1, 2013 through November 30, 2015; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to immediately send copies of this resolution to State Senator Catharine Young and Assemblyman Andrew Goodell.

Signed: Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Adopted w/ Legislators Cornell, Hoyer, James voting "no" – April 24, 2013

## EMERG. RES. NO. 82-13

Authorize Grant Application to the New York State Office of Community Renewal for Community Development Block Grant (CDBG) Funding

At the Request of County Executive Gregory J. Edwards and Chairman Jay Gould:

WHEREAS, saturn petcare inc. ("Saturn") plans to establish a pet food manufacturing operation in the Town of Harmony at the former AFA Foods facility, and

WHEREAS, Saturn has requested that the County apply for funding on its behalf from the New York State Office of Community Renewal ("OCR") to finance a portion of the cost of equipment required to establish operations, and

WHEREAS, Saturn is evaluating an alternative site for the project in the State of Michigan, and

WHEREAS, the Empire State Development Corporation is coordinating financial incentive offers to Saturn, including OCR funding, to induce the company to locate its project in the Town of Harmony, and

WHEREAS, the Chautauqua Region Industrial Development Corporation ("CRIDC") is assisting in the facilitation of the project and has requested that the County provide the OCR funding to CRIDC as a grant for the purpose of making a term loan and deferred loan to Saturn, and

WHEREAS, the Saturn project will result in substantial benefit to the Town of Harmony and Chautauqua County in the form of an estimated 72 new employment positions in the first two years of operations, and

WHEREAS, the County's Department of Planning and Economic Development will hold a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Saturn project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a grant application in the approximate amount of \$616,000 to OCR to support the establishment of the Saturn manufacturing facility in the Town of Harmony; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CRIDC, and all other related documents associated with the OCR grant; and be it further

RESOLVED, That the County Executive is designated as the Certifying Officer for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act (NEPA).

Unanimously Adopted – April 24, 2013

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 EMERG. RES. NO. 83-13

Authorize Payment of \$25,000 for Settlement of Claims of Lisa and David Barrett

At the Request of County Executive Gregory J. Edwards:

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to General Municipal Law § 6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claims of Lisa and David Barrett for the sum of \$35,000.00, of which the County will be responsible for \$25,000.00 as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$25,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claims of Lisa and David Barrett.

Unanimously Adopted – April 24, 2013

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2<sup>nd</sup> Privilege of the Floor

Legislator Duff: Once again, I will restate this. In regards to Chautauqua Lake. I want to know who owns Chautauqua Lake. I will make it real simple for everybody else in here. If I go out of that driveway and I back into a tree, somebody is going to make me pay for the tree and pay for the car. I want to know who owns the property in and around Chautauqua Lake and when they need something, if had be, it is the State of New York that owns the property, they should fix it just like I would be made to fix the tree. Now that isn't an awful lot to ask because you know, I am of the old school, we all know that. but, this idea that the State can come in and say I want a six million dollar something done here on that lake but you have to pay for it, us. No, it's their lake, it's their problem and they have to fix the problem. That ought to be pretty damn simple.

Legislator Horrigan: I will answer the question that was just asked. We all own Chautauqua Lake. Every single person in this County owns Chautauqua Lake. Property owners pay to fix Chautauqua Lake, businesses pay to fix Chautauqua Lake. The County bed tax funds are paying to fix Chautauqua Lake, New York State is paying to fix Chautauqua Lake. Mr. Chairman, look at that seal up there, in the center, there is a picture of Chautauqua Lake. We are bordered by forest, parks, Lake Erie, we all own that, it is all our responsibility and people are stepping forward. So, who owns Chautauqua Lake? Every single one of us is a steward of that Lake, we fund that Lake, and it's our responsibility Mr. Chairman.

Legislator Duff: You don't own Chautauqua Lake. Chautauqua Lake right now, we don't know who owns it and the owner of any properties anywhere in the United States of America that I know of, if you damage something, by God you have to fix it. I don't care, I understand the other speaker is foremost in the world of great knowledge but I am just a poor old person that always had to pay when he has destroyed someone else's property.

My name is Jeanie Polisoto, I live in Forestville, N.Y. I represent the Earth as well as a non-profit Peace and Nature Wildlife Sanctuary. The issue of gun control was not on my mind but Mr. Hemmer is right that 50% of the homicides in this country are done in the home and if anybody namely a woman would get a hold of that list, I think that we would have a lot of saving of lives. I had not intended to say this but I did talk with a person who agreed with me that we are in a state of conflict with gun control. We do not have the vigilance for justice in this country. Nobody is waiving the banner in this country on the 6<sup>th</sup> amendment. It has been duly almost nullified by the actions of so many people out there and that is essential element in terms of what I think our Constitutional rights. And the idea that our country was at war with a 19 year old in Boston just flipped me out of my mind. I was raised during the 60's when we had civil rights. I have never seen anything so spectacular, off the board, unbelievable, an assault on basic rights. In addition, I don't know if that was a game plan to impress the North Korean's, hey look what we have when we deal with a 19 year old and guess what

we would do to you. This game playing is inexcusable. I found this to be such an intolerable position. Where is there peace in our actions? Are we so barbaric that we think that only a gun is going to do the trick? That is absurd. I really feel that. We are not advanced at all in terms of our own mental capacity as far as I am concerned. And this dialogue that goes on here is nothing in order to have guns is contraband that is ferried over to Canada and they make three times the price. It's an economic issue, plain and to the point.

Now, having to do with Earth Day that got no notice from someone out there as well as Arbor Day coming up so we can do right by this planet escapes everybody's attention. We are at a critical point in our environment. I attended last week, SUNY, so this is not my personal, this is a fact. I have studied this for years. We'll go on 30 years and the lack of concern for our survival is unbelievably off the charts. The one thing that really, really, and Mr. Borrello heard me on Monday and I found that totally, you know, this planning for a regional water board, Lake Erie being the one that is the lowest of the lakes. We had algae bloom and we have this and that and this movie that was produced, it's called Trash, you can download it having to do with the plastic impact on this planet, it made me sick. Nobody has brought up any issues and the idea that hydrofracking is on somebody's game plan so Chautauqua County can be the suck source for energy for downstate is not acceptable. There are 10,000 wells that can be drilled horizontally and if you use the geometric principal  $A + B = C$ , we're working with C now a days. And fresh water. There are how many millions of barrels of fresh water that is being used for that particular procedure? Gladly the force is going to grow. There is a two year moratorium and I hope that this Legislature gets on the bandwagon of doing right and finally, when I went to the Planning & Economic Development Committee meeting and we have privilege of the floor, I want to say one thing. It's our right to talk even though limited. Every time I go, first privilege, second privilege, there is only one privilege of the floor of the committee meeting and I'm usually the one person of the public that is not connected that would like to say something after the fact because I didn't know this discussion was going to ensue about guns. In the name of my cousin who worked here for 10 years, I am suggesting that a resolution should be added for a second privilege of the floor at a committee meeting.

Chairman Gould: You're three minutes are up.

Ms. Polisoto: I said I represent a non-profit.

Chairman Gould: What non-profit?

Ms. Polisoto: Peace and Nature Wildlife Sanctuary. My idea of taking care of business. I have my tax exempt right out in my car if you want to see it. You know the smile does not do me good. I am a serious person and I like results.

Chairman Gould: I have just never heard of that and I'm sorry I haven't.

Ms. Polisoto: Excuse me, we're "undercover".

Chairman Gould: Anyone else to speak at the second privilege of the floor?

Good Evening, my name is Tami Downey and I am here to represent the Blue Star Mothers, Chapter 4. I am here to invite all of you down to the Jamestown Veterans Park. Real quick in case you don't know who we are. We are the mothers of men and women service members and active duty or retired or just used up their time and they are done. So, what we are doing is, we will be dedicating 7 flowering cherry trees which will be installed at the park on Arbor Day, this April and those cherry trees are for our 7 fallen soldiers and we'll be memorializing the Gold Star Mothers. The Gold Star Mothers are Moms that lost their children in war or just lost their children while their active duty or retired military. Men and women. So, we would invite you to please come out. It starts at 10 in the morning and should last about an hour or hour and a half. There will be food and drinks afterwards and we are having – he's actually the police chief for the Town of Carroll is Timothy

Wright. He is the keynote speaker so please take an hour and a half out of your day and come support your Gold Star families here in Chautauqua County and thank you very much.

Mr. Ben Haskins, 1982 Peck-Settlement Road, Jamestown. Just to tag along a little bit with the lady from Forestville. It's hard for some people and I don't think that you've notice and maybe some of you have but, when those two men put down their bombs in Boston, they put them in front of, at least one of them in front of a set of bleachers filled with women and children. There were very few men hurt in this foray, except for the policeman. Also when you look at the gun that was used, there was a gunman that went into the school in Connecticut, same routine. He knew one of the people there, the school physiologist but he first killed his mother and all the other adults at the school were woman and most of the students he killed were also women. The same way at Columbine. The two boys went into the library and shot mostly women. So it is women that seem to fall victim to many of these freedom fighters or whatever you want to call these guys with guns. I just want to point that out.

Chairman Gould: You already spoke once.

Ms. Polisoto: You cut me off.

Chairman Gould: You spoke for over 5 minutes.

Ms. Polisoto: No, you said three minutes and I had to explain my position again. I just want to –

Legislator Duff: I think it's time to close the meeting.

Chairman Gould: Is that a motion to adjourn?

MOVED by Legislator Duff, SECONDED by Legislator DeJoe, and duly carried the meeting was adjourned. (7:18 p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, May 22, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Ahlstrom absent)

Legislator Himelein delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Duff and duly carried the minutes were approved. (4/24/13)

1<sup>st</sup> Privilege of the Floor

My name is Ray Head, I live on 4313 Pancake Hill Road, Bemus Point, N.Y.. I am President of the Snowmobile Clubs of Chautauqua County Federation and the person that is also here with me is Paul Weatherlow is he is the Secretary of that organization. We'd just like to make a quick presentation. In front of you, you will see, all of you got a copy of the snowmobile map of Chautauqua County. You will see blue and red trails on there that represent where we go in the County. Basically we are throughout the entire County except for the cities but people come to the cities to stay and come out of their motel rooms and come out of the city with their sleds and drive to the trails and unload. So, we do have an effect in Jamestown particularly and in Dunkirk.

We would like to speak to the amendment on 94-13, Amending resolutions 118-08, 169-09 and 110-11, the original 3% occupancy tax. Our situation is that every third year, we have to come up with different reasons to be able to apply for the bed tax money that we so righteously deserve because we generate a great deal of people coming into this area. Every three years, you have to come up with different reasons to apply and to be honest with you, we don't have different reasons. We have basically the same reasons over and over and over again. So, it put us in a dilemma where actually I believe this year, we weren't eligible. I am not sure because we don't know where it stands but we didn't believe that we were eligible.

What you have in front of you is a packet of information that we put together. On the cover you will see a picture of a groomer. One of the pieces of equipment that we have here in Chautauqua County. If you will open to the first page, it does tell you at the top to kind of take a look at the snowmobile map. Please take a look at it at your convenience. Just a quick few bullet points that I would like to make with you. As per our 2011-2012 survey conducted by SUNY Potsdam, recreational snowmobiling in New York State has an economic impact in the State of \$868 million dollars annually. Chautauqua County is the number three designation for snowmobiling after the Adirondacks and Tug Hill. We're the number three place that people come to snowmobile. Chautauqua County continues to be the home of the largest snowmobile club in New York State. That happens to be right here, the Mayville Club which is the Lake Chautauqua Snowmobile Club. Adjacent County, Erie County, happens to be the home of the largest number of registered sleds of any county in New York State. Just so you know and for your information, Chautauqua County is the third largest county of registered snowmobiles in New York State. So they are here doing that. A couple of things that you should know after that is, Chautauqua County Vacation Bureau works very, very closely with us in their 800 number program. You push a five to get the snow condition report as to whether the trails are open etc., during the wintertime, almost every call that comes in to them is a 5. They push a 5 to get the trail reports from Ohio, from Pennsylvania, and absolutely here locally in adjacent counties and locally they use that because it is updated to the minute.

The club membership between all five clubs in Chautauqua County, over 54% of the memberships are from outside of Chautauqua County. Here is an astounding fact. The club membership, the Chautauqua Lake Snowmobile Club, 75.3% of its 2000+ members are from outside

of Chautauqua County. Which means these people are coming in here and they have to have a place to stay and they are spending their money. Obviously there is a list of how snowmobilers spend their money here and the different items. Almost every snowmobile dollar that they spend is a sales tax dollar.

The next page you will see is a survey that we did. We're not out making up numbers. Somehow these numbers get generated and what we did because we had no snowmobiling season two seasons ago, we actually called 50 some businesses that you see listed here, all the way from businesses who felt that almost every single bit of their business including Webb's, when we did Webb's, we only asked for the motel. Basically Webb's is saying, if there is no snowmobiling, there is nobody staying there. But, we went all the way down to the ones that we have very little impact with but what we used were the advertisers on the back of the map. The question that we asked was this, "during the wintertime, what percentage of your business is directly related to snowmobiling and they had a great feel for it because two years ago they didn't have any business from snowmobiling. We didn't ask them for dollar amounts, we didn't have to inflate things, we're just giving you an idea of what they said. So, it is not a generated number where people come up with \$28 million dollars or whatever it is that they happen to come up with. I'm almost done.

If you look at the next page, you will see a picture of a groomer and a drag that smooth's the trails. If we smooth the trails people, they will come and they do come. If it snows and we give them smooth trails, they will come. In Chautauqua County, we have 24 class A groomers similar to the one you see in the picture. A new one runs somewhere between \$160-190,000 and used ones are \$60-70,000. We have 24. We have the largest number, we have the largest fleet of snowmobile grooming equipment of any county in New York State. These groomers run three to five times every single week that we have snowmobiling and we have the conditions for snowmobiling. On the back there, you will see a little quip about what the drags are. That is what actually smooth's the trail.

One of the things that I want you to understand and one of the reasons why we are here and I am almost done, is that, last year alone, which was a very moderate year because we had three meltdowns, was a very moderate year for the snowmobiling industry, the clubs in Chautauqua County spent over \$45,000 just in fuel costs. The next few pages which I am not going to get into are some of the plans that we have. We would like to get these snowmobile trail, if you look at the maps, you will see that it does not go all the way around Chautauqua Lake and connect back in, that is one of the programs. But there is a bunch of things listed there and the last thing that I want you to look at is there are three pages after that, that says expenses not allowed to be counted against the trail grant aid, in-aid money, grant in-aid. These are all expenses here that a snowmobile club has that are not allowed to use the State money that we get from, are you ready? From our own registration dollars. We actually do not use taxpayer dollars in any way. They take the registration dollars. Every cost that we have, the registration dollar pays for, including all the administrative costs including some stuff that New York State police, some stuff to the DEC, by stuff, I mean money, and even money here to Chautauqua County. If you have any questions, I would be delighted to answer them. I want to tell you that it's great to be in front of you and I thank you for your time.

Chairman Gould: Anyone else to speak to the first privilege of the floor? Seeing no one, we'll close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 04/24/13

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6:35 P.M.

PUBLIC HEARING  
RE: A LOCAL LAW AMENDING LOCAL LAW 1-13  
ESTABLISHING A COUNTY LEGISLATURE FOR THE COUNTY  
OF CHAUTAUQUA REAPPORTIONED ON THE BASIS OF THE  
2010 FEDERAL CENSUS

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Chairman Gould: We'll open the public hearing. Is there anyone to speak? (6:45 p.m.)

Mr. Robert Whitney, 41 Hallock Street, Jamestown, N.Y. The reason you are voting on this tonight is because you originally passed a bad plan. This plan, there was one other plan that we looked at first and that was voted down and then you went with this plan and Mr. Barmore even called it his own plan. It was a bad plan. You didn't use the Board of Elections when you set the plan up and if you would have, you would have caught these problems and you can blame the Board of Elections if you want to because they didn't get back to you by the 15<sup>th</sup> of February but it will still be an amendment at this case. You'd be amending something that you have already done and I think that is an embarrassment to this Legislature to be amending work unless it's caused by a State, Federal, or local law change. This is work that we worked on, we finished, we completed, we passed, and now we're turning around and amending our own work that we have done. The two things that are changing is, we're eliminating, moving a district line so we don't have to set up a table for 50 extra people. I think that could have been easily taken care of using the Board of Elections. They would have to hire an extra person to sit for 50 people and that is definitely not the job creation we want in this County or the other one is, they moved a line – they were following a census line instead of using a road, a waterway, a town line and feasibly, a house could be built right on that census line and if you wanted to switch legislative districts all you had to do is move your bed across the room. I think that is wrong and I think that it is a poor plan and I wish the people that did support it would have a comment when we do about it about why they supported it and did they do their due diligence and did they talk to the Board of Elections and make sure that this is a plan that they thought was a good idea because I think that we shouldn't be amending a plan that we've already passed.

Mr. William Coughlin, 285 Porter St., Fredonia, N.Y. I would just like to bring up the embarrassment that I feel at this time for the people that worked for the League of Women Voters that put all that time in to come up with what we should have taken as the plan. Now, I understand that it was voted down but the embarrassment is, you ask people to do stuff, they get together, they do it, they devote time, money, hours of interest and we turn around and tell them no. I don't think that you will get any one of them to come back and work on anything we ask them to again. I am embarrassed about that and also embarrassed that we're in a position where we now have to amend something that was pretty much done in a haphazard manner.

Chairman Gould: Anybody else to speak to the public hearing? Seeing none, we'll close the public hearing. (6:48 p.m.)

PRESENTATION:

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FISHING ESSAY CONTEST  
GRAND PRIZE AWARD WINNERS

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COMMUNICATIONS:

1. Proof of Publication – Public Hearing Notice – Re: LL Intro. 4-13
2. Letters (5) – County Executive – Re: Appts. to Sports Fishery; STOP DWI; STW Regional Planning & Development; IDA; Emerg. Medical Services
3. Letter – PD – Re: Timely Submission of Assigned Council Vouchers
4. Minutes – Fire Advisory Board
5. Letter – JCC President DeCinque – President's Roundtable
6. Letter – Dnk. Historical Lghthse. – Re: Dedicated Funding from Chaut. Co.
7. Letter – Chaut. Watershed Conservancy-Re: Appt. to CLMC
8. Letter – Senator Young – Re: Ack. Receipt of Motion 4-13
9. Letter – Niagara County – Re: Res. NY-SAFE ACT
10. Highlights – NYS Fish & Wildlife – March 2013
11. Letter – NYSAC – Ack. Receipt of Motion 5-13
12. Letter – Senator Young – Re: Home Rule Forms for Res. 27-13 & 81-13

MOTION: (On file w/ 5/22/13 Leg. Data)  
6-13 Support for Dunkirk Power Plant Repowering Project – Unanimously Adopted

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RES. NO. 84-13  
Confirm Appointment – STOP DWI Advisory Board

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 STOP-DWI Advisory Board:

Sara DeMink	Position last held by Thom Shagla
317 S. Frontage St.	
Bemus Point, N.Y. 14712	
Term Expires: 5/31/16	

Signed: Duff

Unanimously Adopted – May 22, 2013

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RES. NO. 85-13  
Confirm Appointment – Emergency Medical Services Council

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 Emergency Medical Services Council.

Paul S. Atwell	Position last held by Lyle Holland
5150 Rt. 60	CISM Representative
Gerry, N.Y. 14740	
Term Expires: 12/31/15	

Signed: Duff

Unanimously Adopted – May 22, 2013

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RES. NO. 86-13  
Confirm Appointment – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development 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 Southern Tier West Regional Planning Board.

Joseph P. Galati  
2527 Palm Road  
Jamestown, N.Y. 14701  
Term Expires: 9/30/15

Filling the term of David Carr

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – May 22, 2013

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RES. NO. 87-13

Confirm Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Sports Fishery Advisory Board.

Michael Cluchey  
79 Jefferson St.  
Westfield, N.Y. 14787  
Term Expires: 12/31/15

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – May 22, 2013

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RES. NO. 88-13

Confirm Appointment from the Chautauqua Watershed Conservancy to Chautauqua Lake Management Commission

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, there is a vacancy due to the resignation of Arthur D. Webster who served as the representative for the Chautauqua Watershed Conservancy on the Chautauqua Lake Management Commission, and;

WHEREAS, a nomination letter has been received from the Chautauqua Watershed Conservancy for a new representative to fill the vacancy on the Chautauqua Lake Management Commission; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of the following member to the Chautauqua Lake Management Commission.

Linda M. Barber  
4530 W. Lake Road  
Mayville, N.Y. 14757  
Term Expires: 5/31/15

~~Larry Jones, Captain~~  
~~268 Harrison Avenue~~  
~~Buffalo, NY 14222~~  
~~Term Expires: 5/31/15~~

Replacing John Carney

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan (Amended in P&E to add underlined language)

MOVED by Legislator Erlandson, SECONDED by Legislator DeJoe to amend by removing the names of Larry Jones. – Unanimously Carried

Unanimously Adopted as amended – May 22, 2013

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RES. NO. 89-13

Authorizing the Implementation and Funding in the First Instance of 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 for Bridge Maintenance

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

WHEREAS, the Chautauqua County 2011 Bridge Maintenance Project, PIN 5760.09 (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, now estimated to be \$294,000, 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 and Construction & Construction Inspection phases of the project PIN 5760.09 with existing funding in account D.5112.390; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, 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 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

**Strikethrough Indicates Deletion**

local share of Federal-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, That 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	\$75,200
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$75,200
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Nazzaro

Unanimously Adopted – May 22, 2013

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RES. NO. 90-13  
Establishing “Summer Hours” for County Employees

By Administrative Services Committee:  
At the Request of Chairman Jay Gould:

WHEREAS, Section 206 of the County Law permits the County Legislature to fix the number of hours constituting a legal day's work for all classes of county employees; and

WHEREAS, Section 206 of said law further specifically provides that the County Legislature may adjust such hours for the summer months; therefore be it

RESOLVED, That except as may otherwise be mandated by law, the regular hours of all County offices shall commence at 8:30 A.M. and shall terminate at 4:30 P.M. for the period of May 28, 2013 through August 30, 2013.

Signed: Scudder, Barmore, Tarbrake, DeJoy, Cornell

Unanimously Adopted – May 22, 2013

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RES. NO. 91-13  
Amend Budget to Appropriate Insurance Recoveries to Appropriate Accounts

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

WHEREAS, the County received a lump sum settlement of \$50,000 for the replacement of documents and research manuals damaged in the Graf Building Fire; and

WHEREAS, these funds were recorded in the CS Fund – Liability Insurance; and

WHEREAS, in order to complete the purchase of the damaged materials it is necessary to adjust the budget to appropriate and transfer funds to the appropriate accounts; therefore be it

RESOLVED, That CS Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

CS.-----909.0000 Fund Balance, Unreserved Fund Balance – Fund Balance \$50,000

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2013 Budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNTS:

CS.9901.----.9	Inter-fund Transfers – Transfer to Other Funds	\$ 50,000
A.4250.----.4	Contractual – Alcohol Addiction Control	\$ 9,250
A.4320.----.4	Contractual – Mental Hygiene Programs	\$ 15,750
A.4035.----.4	Contractual – Family Health/Planning	<u>\$ 25,000</u>
	Total	\$100,000

ESTABLISH AND INCREASE REVENUE ACCOUNTS:

A.4250.----.R503.1000	Inter-fund Transfers – Alcohol Addiction Control	\$ 9,250
A.4320.----.R503.1000	Inter-fund Transfers – Mental Hygiene Programs	\$ 15,750
A.4035.----.R503.1000	Inter-fund Transfers – Family Health/Planning	<u>\$ 25,000</u>
	Total	\$ 50,000

Signed: Scudder, Barmore, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – May 22, 2013

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RES. NO. 92-13

Authorizing Transfer of Tax Foreclosure Property to the Village of Sinclairville

By Administrative Services Committee:

At the Request of Legislator Larry Barmore:

WHEREAS, pursuant to Resolution 44-13, the County Legislature established parameters for the disposition of tax foreclosure properties but reserved the authority to impose by resolution special requirements, restrictions, terms or conditions applicable to a particular tax parcel; and

WHEREAS, tax foreclosure property located at 10 Jamestown Street in the Village of Sinclairville (Tax Parcel No. 251.13-1-46), also known as Charlie's Garage, has been vacant and dilapidated for a number of years; and

WHEREAS, the property has gone through the County's tax foreclosure auction without selling; and

WHEREAS, it is unlikely that the property would be found to be desirable by someone in the private sector due to the nature of the property and the fact that the property formerly had underground storage tanks; therefore be it

RESOLVED, That the County Executive is authorized and empowered to transfer Tax Parcel No. 251.13-1-46 at no charge to the Village of Sinclairville for municipal use, conditioned upon the Village of Sinclairville's promise to clean up and rehabilitate the property; and be it further

RESOLVED, That the County shall be responsible for the 2012-13 School taxes and the 2013 County/Town taxes, and the Village shall be responsible for any applicable recording charges related to the transfer and the 2013 Village taxes, 2013-2014 School taxes, and all future applicable real property taxes levied after the sale.

Signed: Scudder, Barmore, Tarbrake, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent - May 22, 2013

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RES. NO. 93-13  
Distribution of Mortgage Taxes

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

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**October 1, 2012- March 31, 2013**

<b>TOWNS</b>		<b>CITIES</b>	
Arkwright	7,323.55	Dunkirk	23,699.47
Busti	55,081.28	Jamestown	69,635.24
Carroll	16,395.27		
Charlotte	4,173.16	<b>TOTAL</b>	93,344.71
Chautauqua	59,359.53		
Cherry Creek	1,347.03		
Clymer	5,370.57	<b>VILLAGES</b>	
Dunkirk	5,370.57		
Ellery	64,128.56	Bemus Point	4,208.27
Ellicott	52,122.29	Brocton	2,261.85
Ellington	4,682.58	Cassadaga	949.99
French Creek	15,179.98	Celoron	3,146.21
Gerry	12,964.90	Cherry Creek	153.64
Hanover	30,138.12	Falconer	6,198.13

Harmony	5,976.87	Forestville	1,059.65
Kiantone	9,514.66	Fredonia	29,181.25
Mina	11,442.27	Lakewood	17,331.57
North Harmony	21,339.80	Mayville	4,780.39
Poland	8,719.17	Panama	741.12
Pomfret	55,615.45	Sherman	860.73
Portland	24,890.35	Silver Creek	3,685.72
Ripley	7,716.80	Sinclairville	990.42
Sheridan	12,416.69	Westfield	6,514.92
Sherman	4,342.88		
Stockton	4,905.78	TOTAL	82,063.86
Villanova	2,255.65		
Westfield	17,693.53		
TOTAL	520,867.29		

GRAND TOTAL \$695,865.86

Signed: Scudder, Barmore, Tarbrake, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – May 22, 2013

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RES. NO. 94-13

Amending Resolution 118-08, 169-09 and 110-11 – Original 3% Occupancy Tax

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Legislator Fred Croscut:

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be

dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, Chautauqua County has initiated, completed and/or adopted a number of planning documents which feature tourism and waterways-related goals and objectives, including the Chautauqua County Comprehensive Plan, Chautauqua County Tourism Branding, Development, and Marketing Action Plan (CCVB), the Chautauqua Lake Watershed Management Plan, Chautauqua County Greenway Plan, and the Chautauqua County Equestrian Trail Plan; and

WHEREAS, policy guidelines to allocate the limited resources generated by the first three-fifths of the revenue (the original 3% tax) were established pursuant to Resolution 118-08, and further amended by Resolution 166-09 and Resolution 110-11, and it is appropriate to further amend such guidelines to advance the County's planning priorities relative to tourism; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines set forth in Resolutions 118-08 and 166-09 and 110-11 for the allocation of the original 3% occupancy tax revenue, as follows:

1. 5% of the occupancy tax budgeted shall be provided to CCVB to support the CCVB's efforts to market, promote and publicize Chautauqua County and its municipalities as well as recruiting group functions to the County and working to support and enhance all tourism efforts.

2. 5% of the occupancy tax budgeted shall be further provided to CCVB for development and marketing of the "World's Learning Center" brand.

3. 15% of the occupancy tax budgeted shall support the maintenance and operation of the County parks and trail system including the Sheriff's marine and snow patrol.

4. ~~9.0%~~ 7.5% of the occupancy tax budgeted shall support non-County maintained trail establishment and development projects, including snowmobile trails. \$20,000 of the 9.0% shall be provided to the Chautauqua County Snowmobile Federation annually to further support efforts to develop, maintain and groom snowmobile trails within Chautauqua County.

5. 5% of the occupancy tax budgeted shall be utilized by the Chautauqua County Department of Finance for collection and enforcement purposes.

6. 5% of the occupancy tax budgeted shall be utilized to support arts and culture through the provision of funding to the following organizations:

- a. United Arts Appeal- 63.4% of the 5% allocated to arts and culture.
- b. Fenton Historical Society-18.4% of the 5% allocated to arts and culture.
- c. Historical Society of Dunkirk- 5.4% of the 5% allocated to arts and culture.
- d. Chautauqua County Historical Society- 12.8% of the 5% allocated to arts and culture.

7. ~~6.0%~~ 7.5% of the occupancy tax budgeted shall be utilized to support the development of attractions, ~~and events~~ and visitor experiences that help enhance ~~develop~~ Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County, with preference for programs that advance the County planning priorities relative to tourism. The following method shall be utilized to determine how 80% of the ~~6.0%~~ 7.5% is distributed annually:

a. Up to a seven (7) member tourism panel to include representatives from the following organizations shall make funding recommendations to the Legislative Planning and

**Strikethrough Indicates Deletion, Underline Indicates New**

Economic Development Committee for projects and organizations that submit for the 20% portion of the occupancy tax: CCVB Director and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.

b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. The Tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.

c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee. The remaining 20% of the ~~6.0%~~ 7.5% shall be held in a contingency account, and the Tourism Panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: Croscut, Rogers, Borrello, Runkle, Nazzaro, DeJoe, Himelein (Ahlstrom, Heenan voting "no")

Unanimously Adopted – May 22, 2013

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RES. NO. 95-13

Authorize Acceptance of Gift of Real Property to JCC

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Jamestown Community College (JCC) has enjoyed a long and beneficial relationship with the Roger Tory Peterson Institute of Natural History (RTPI) in providing both credit and non-credit courses, and both organizations wish to further this relationship; and

WHEREAS, RTPI is located at 311 Curtis Street in the City of Jamestown directly across the street from the western boundary of JCC's Jamestown Campus, and the RTPI premises contain an approximately 26,000 square foot facility on 27 acres of land designated on the Chautauqua County Tax Map as tax parcels 370.12-3-5, 370.12-3-6, 370.12-3-7, 370.12-3-8, 370.12-3-9, 370.12-3-10, 370.12-3-42, 370.12-3-50, 370.12-3-51, 370.12-3-61, 370.12-3-62, and 370.12-3-63 (the "Property"); and

WHEREAS, RTPI and JCC have entered into a memorandum of intent whereby RTPI shall gift the Property to JCC for its future academic needs and related activities, and after transfer of the Property to JCC, RTPI shall receive a 30 year no-fee lease of a portion of the premises and the parties intend to collaborate when appropriate on educational and environmental programming for their mutual benefit; and

WHEREAS, the County will incur no local share expense related to the gift of the Property to JCC; therefore be it

**Strikethrough Indicates Deletion Underline Indicates New**

RESOLVED, That the Chautauqua County Legislature authorizes the acceptance by JCC of the gift of Property from RTPI.

Signed: Croscut, Ahlstrom, Rogers, Borrello, Heenan

Unanimously Adopted – May 22, 2013

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RES. NO. 96-13  
Increase Appropriation Account for 12/13 WIC COLA Funding

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

WHEREAS, Chapter 57, Laws of 2006 provide for the Commissioner of Health to establish an annual cost of living adjustment (COLA) for programs outlined in the statute; and

WHEREAS, pursuant to Part H of Chapter 56 of the Laws of 2012 the 2012-13 COLA appropriation will be distributed to eligible payees at the prior year rate of 8.02%; and

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

WHEREAS, the expenditure of these COLA funds must occur between April 1, 2012 and March 31, 2013, and the 2013 Chautauqua County Adopted Budget does not include these additional grant monies, now, therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4082.----.4	Contractual – WIC Program	62,795
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INCREASE REVENUE ACCOUNT:

A.4082.----.R345.0WIC	State Aid – WIC COLA	62,795
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Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – May 22, 2013

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RES. NO. 97-13  
Authorizing County Executive to Execute the Resource Allocation Package

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

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services is dispersed through a Resource Allocation Plan; and

WHEREAS, signing the Resource Allocation Plan will qualify the County of Chautauqua for State reimbursement for the 2013 program year; and

WHEREAS, the amount approved for allocation to the County is \$97,637.00; and

WHEREAS, the County is authorizing the State Office of Children and Family Services (OCFS) to reimburse its municipalities directly for expenditures relating to this Resource Allocation Package unless the County has notified OCFS in writing otherwise; and

WHEREAS, OCFS will reimburse the County or municipality for expenditures made in accordance with the approved Program Applications and Budgets for the agencies listed on the program summary; and

WHEREAS, the County Resource Allocation Plan shall be deemed executory to the extent of monies made available to OCFS from the State of New York for a Local Assistance program; therefore be it

RESOLVED, That the Resource Allocation Plan is approved to be executed by the County Executive; and be it further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan.

Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – May 22, 2013

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RES. NO. 98-13

Supporting Passage of A.7165 & S. 4849 entitled "AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Chautauqua to impose an additional one-half of one percent sales and compensating use taxes"

By Audit & Control Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the authority for the County's additional one-half of one percent (.5%) sales tax will expire on November 30, 2013; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to continue an additional one-half of one percent (.5%) sales tax from December 1, 2013 through November 30, 2015; and

WHEREAS, the extended authorization requires the County to continue to assist the towns, villages and cities by sharing three-tenths (3/10) of the net collections from the additional one-half of one percent (.5%) of sales tax with the towns, villages and cities through November 30, 2015; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A.7165 and New York State Senate Bill No. S.4849 entitled "AN ACT to amend the tax law, in relation to extending the expiration of the provisions authorizing the County of Chautauqua to impose an additional one-half of one percent sales and compensating use taxes."

Signed: Runkle, Nazzaro, DeJoe, Himelein

Adopted – R/C Vote: 19 Yes; 5 No; 1 Absent (No's: Cornell, Coughlin, Duff, Hoyer, James) – May 22, 2013

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RES. NO. 99-13

Authorizing Agreement with Bush Industries, Inc. for Right-of-Way Encroachment on Allen Street, County Road 143

At the Request of County Executive Gregory J. Edwards and Public Facilities Committee:

WHEREAS, Bush Industries, Inc. is the owner of property known as the Allen Street Building #3, 1089 Allen Street, Jamestown, New York, and further known on the official tax map for the City of Jamestown as SBL No. 371.13-4-28 (the "Property"); and

WHEREAS, the Property has various minor encroachments onto the County's right of way for Allen Street, County Road 143, as per a survey prepared by Michael J. Rodgers Land Surveyor, PC, dated May 5, 2003; and

WHEREAS, the County and Bush Industries have agreed to enter into a continuing encroachment agreement whereby Bush Industries will pay the County the sum of \$100.00 and provide insurance and indemnification to be approved by the County Law Department; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an encroachment agreement with Bush Industries, Inc. as provided herein upon such further terms and conditions negotiated by the County Executive.

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan

Unanimously Adopted – May 22, 2013

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EMERG. RES. NO. 100-13

Emergency Management Performance Grant for Fiscal Year 2012

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$108,560.00 with a fifty percent (50%) match from the County in the amount of \$54,280.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

WHEREAS, the grant period runs from June 1, 2012 through May 31, 2014; and

WHEREAS, a portion of these funds were included in the 2013 budget, and additional funds will be added to the 2014 budget once the County is ready to expend them; therefore be it

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

Unanimously Adopted – May 22, 2013

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## EMERG. RES. NO. 101-13

Supporting Passage of A.7431 & S.5088- An ACT to amend the tax law, in relation to allocation of revenue from the hotel and motel taxes in Chautauqua County; and to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions

WHEREAS, pursuant to Resolution 27-13, the County made a home rule request for authority to continue through November 30, 2015 the 5% occupancy tax that allows additional funds to be dedicated to the enhancement of lakes and streams in the County; and

WHEREAS, the State Assembly and the State Senate now have Bills before them to create said authority; now therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. 7431 and New York State Senate Bill No. 5088 entitled "An ACT to amend the tax law, in relation to allocation of revenue from the hotel and motel taxes in Chautauqua County; and to amend chapter 405 of the laws of 2007, amending the tax law relating to increasing hotel/motel taxes in Chautauqua County, in relation to extending the expiration of such provisions."

Adopted – R/C Vote: 16 Yes; 8 No; 1 Absent (No's: Borrello, Coughlin, DeJoy, Heenan, Hoyer, James, Rogers, Scudder) – May 22, 2013

LOCAL LAW  
INTRODUCTORY NO. 4-13  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 1-13 ESTABLISHING A COUNTY LEGISLATURE FOR THE COUNTY OF CHAUTAUQUA REAPPORTIONED ON THE BASIS OF THE 2010 FEDERAL CENSUS

Chairman Gould: I have a letter of necessity from the County Executive to the emergency nature of this local law. Any discussion?

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

SECTION 1. This purpose of this Local Law is to make minor modifications to two boundary lines of county legislative districts established pursuant to Local Law 1-13 of the County of Chautauqua. The modifications to county legislative district boundaries contained herein will make the corresponding election district boundary lines more efficient and economical for the work of the Chautauqua County Board of Elections.

SECTION 2. The county legislature district boundary lines of District 10 as established by Local Law 1-13 of the County of Chautauqua are hereby amended as follows:

District 10 shall be composed of all that portion of the Town of Busti and all that portion of the City of Jamestown situate within the following described boundaries: BEGINNING at the northwest corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake; thence southerly along the western boundary line of the Village of Lakewood to its intersection with the southwest corner of the Village of Lakewood; thence easterly along the southern boundary line of the Village of Lakewood to its intersection with the centerline of Maplevue Avenue; thence southerly along the centerline of Maplevue Avenue to its intersection with the centerline of

Grandview Avenue; thence southerly along the centerline of Grandview Avenue to its intersection with the centerline of County Touring Route 32; thence westerly along the centerline of County Touring Route 32 to its intersection with the centerline of Holly Lane; thence southerly and westerly along the centerline of Holly Lane to its intersection with the centerline of County Touring Route 69; thence southerly along the centerline of County Touring Route 69 to its intersection with the centerline of Mead Road; thence easterly along the centerline of Mead Road point depicted on the District 10 map filed with the Clerk of the County Legislature that is a short distance south of Cowing Road; thence easterly along the district boundary line depicted on said map to its intersection with the centerline of Shadyside Road a short distance south of Cowing Road; thence northerly along the centerline of Shadyside Road to its intersection with the centerline of Cowing Road; thence easterly along the centerline of Cowing Road to a point depicted on the said District 10 map filed with the Clerk of the County Legislature at which Trask Road turns in a northerly direction; thence continuing generally easterly and southerly past such point as depicted on such District 10 map traversing across Orr Street Extension to a point in the centerline of Forest Avenue Extension; thence continuing northwesterly along the centerline of Forest Avenue Extension a short distance to its intersection with the centerline of Mitchell Road; thence southeasterly and easterly along the centerline of Mitchell Road to the centerline of County Touring Route 28; thence northeasterly along the centerline of County Touring Route 28 to its intersection with the eastern boundary line of the Town of Busti; thence northerly along the eastern boundary line of the Town of Busti to its intersection with the southern boundary line of the City of Jamestown; thence westerly along the southern boundary line of the City of Jamestown to its intersection with the centerline of Forest Avenue; thence northerly along the centerline of Forest Avenue to its intersection with the centerline of Barrett Avenue; thence northerly along the centerline of Barrett Avenue to its intersection with the centerline of Dearborn Street; thence westerly along the centerline of Dearborn Street to its intersection with the centerline of Charles Street; thence northerly along the centerline of Charles Street to its intersection with the centerline of McKinley Avenue; thence westerly along the centerline of McKinley Avenue to its intersection with the centerline of Norwood Avenue ~~Sampson Street~~; thence southerly along the centerline of Norwood Avenue ~~Sampson Street~~ to its intersection with the centerline of Newland Avenue; thence westerly along the centerline of Newland Avenue to its intersection with the centerline of Trenton Street; thence northerly along the centerline of Trenton Street to the centerline of Norton Avenue; thence westerly along the centerline of Norton Avenue to its intersection with the centerline of Huxley Street; thence northerly along the centerline of Huxley Street to its intersection with the centerline of Front Street; thence westerly along the centerline of Front Street to its intersection with the boundary line of the City of Jamestown; thence generally southerly and westerly along the western boundary line of the City of Jamestown to its intersection with the southwest corner of the boundary line of the City of Jamestown; thence westerly along the boundary line between the Town of Busti and Town of Ellicott to its intersection with the centerline of County Touring Route 45; thence northerly along the boundary line of the Town of Busti and the Town of Ellicott to its intersection with the shoreline of Chautauqua Lake; thence westerly along the shoreline of Chautauqua Lake to its intersection with the northwest corner of the boundary line of the Village of Lakewood on the shoreline of Chautauqua Lake, being the point or place of beginning.

SECTION 3. The 2010 United States Census Blocks identified for Districts 10, 11, and 17 in Appendix A of Local Law 1-13 of the County of Chautauqua are hereby amended as follows:

1. United States Census Blocks 360130370003009 and 360130370003010 shall be added to District 10 and removed from District 17.
2. United States Census Blocks 360130308002002 and 360130308002011 shall be added to District 11 and removed from District 10.

**Strikethrough Indicates Deletion, Underline Indicates New**

SECTION 4. If any provision of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder thereof and shall not affect, impair, or invalidate any portion of Local Law 1-13 of the County of Chautauqua, including the portions of Local Law 1-13 amended by this Local Law, but shall be confined in its operation to the particular provision directly adjudged invalid.

SECTION 5. This Local Law shall become effective forty-five (45) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

Mailed: 5/17/13

Letter of Necessity in Effect

Public Hearing Held by Legislature: 5/22/13

Adopted: 5/22/13

R/C Vote: 23 Yes; 1 No; 1 Absent (No – Duff)

45 Day Permissive Referendum

(Effective 7/8/2013)

Mailed (Overnight): 7/8/13

Adopted as LL 3-13

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2<sup>nd</sup> Privilege of the Floor

Ms. Jeanie Polisoto, Forestville, N.Y. The last time that I was here I wanted to have five minutes and I was addressed in a way that said that I'm a liar. I did give the information to Mr. Hoyer as to my representation and paperwork that confirms that I am not a liar. I am a public person and I feel that I am due respect. I spend a lot of time and energy and my own personal money to come down here to bring a different point of view to the floor. My issue was last time, although it was somewhat clouded with the issues of our personal rights, having to do with the committee meetings that I attend also. I did not attend last week for a reason of allergies, etc.. But, the committee meeting just like we had this meeting here tonight, people were not given proper information, they didn't know, they weren't willing to make a decision. We go do this and go do that. Well, I come to that Planning meeting, I don't have any information, I really don't know the ins and outs. I'm probably the only person that is not associated with a municipality or government or anything. It's my choice to come here and say I am a concerned person of the public. I represent other people besides myself but I will say that I am here of my choice. When I come here, I would like to be heard and I have said this in prior meetings. That you should welcome people here and make them feel that we will try to listen to what you have to say and I did not get that impression the last time around. I said with the idea of the agenda on the last agenda for Planning & Economic Development. Of course there was this little number 8 saying "other", well other referred to what? I couldn't make a comment on other. And the issue that was brought to the floor there was hydrofracking. Hydrofracking is a serious, serious issue in my mind and to think that this is a form of censorship. And I don't like the fact privilege of the floor. We want to talk about anything, how about the right to speak. Let's get back to some basics about our civil rights, the right to speak, saying privilege and Mrs. Tampio knows I brought this point out at the Town of Hanover. Privilege, I don't know. It sounds like mother may I or father may I. I think it's dehumanizing to think that here in America I need to ask for some kind of privilege and then when I do say I want the five minutes, I'm addressed as if I'm lying. I think that is totally unnecessary. What's another minute or two as well as how many minutes I spend here listening to you all. I just don't get it. To me that is disrespectful and when bills that I receive from taxation and such that keeps on going up and for what reason. You know what, there has to be sound management here and I have been saying that on several occasions. I think other people think the same thing. You wouldn't lose 5,000 people in 10 years if that were not the case. People are voting by their feet and some people stay here because of family. But, I have already left this County and lived in other places so I know what I am talking about. I said to myself, we all can do better and making it less divisive and more cooperative. People need answers too and why not give some straight solid answers. People cannot

afford to be in a position of being overlooked and that seems to be the case at the last meeting. I appreciate your time. Happy Memorial Day and all your loved ones have a fine time.

Mrs. Tami Downy, and I am here to represent the Blue Star Mothers. I just wanted to once again invite you this Saturday, at 10:00 a.m. to the Veterans Park in the City of Jamestown where we will be having a Gold Star Memorial. We will be honoring the seven fallen soldiers that have passed away during the beginning Iraq Freedom. Fortunately we'll have six of those fallen soldiers' family members there also. We expect approximately 10 family members from each soldier so that's about 70 people which is really awesome. Our President will be talking about their history and we'll be doing some really neat things. The Amvets will be there and be providing refreshments so please come a little bit early. The parking as our Jamestown colleagues know, the parking is limited so please come a little bit early about 9:00-9:30 a.m. and come honor our fallen Veterans and enjoy the rest of the afternoon with us. Thank you and have a good weekend.

Mr. John Garfoot, I'm the Vice President and Dean of Administration at Jamestown Community College. Dr. DeCinque first would like to extend his regrets for not being able to attend tonight's meeting but I can tell you that he'd be delighted to hear the comments of Mr. Croscut and Mrs. Cornell with respect to recognizing RTPPI as a jewel. We agree. RTPPI is a good neighbor and RTPPI is a valued collaborator of Jamestown Community College. As we at JCC have worked through the process of accepting this property as a gift from RTPPI, a number of papers documenting the academic, non-credit hour, K-12 and faculty training programs that are offered through the JCC RTPPI collaboration have been written. We view this property/transfer as an opportunity to ultimately help RTPPI with some economies of scale of the college while furthering enhancing our collaborative efforts. I can tell you that RTPPI is excited, JCC is excited, the Community Foundations are excited and Tom, I will tell you, I think the faculty are over the top with this sort of a collaboration. They are very delighted with this. So, once again, you folks, Chautauqua County, the Legislators here, you folks are enabling us to use our creative efforts to benefit a Chautauqua County jewel and the furtherance of one of a kind partnership which is what JCC and RTPPI enjoy. A number of you Legislators as I was standing out there waiting for you to reconvene came up and shook my hand and said thank you and that is really appreciated but I am going to tell you, I belong to an organization called the Community College Business Officers Association and when I go to our Business Officers meetings and there are 29 other community colleges in New York State and I talk to them, my colleagues across the State about JCC and the relationship that we enjoy with Chautauqua County not only as a sponsor but we consider you folks a partner, we're the envy of many community colleges across this State. So, our sincere thanks for all of you for your continued support of the college and our efforts.

Chairman Gould: Thank you very much. Is there anyone else to speak?

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. (8:53 p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, June 26, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Wendel absent)

Legislator Horrigan delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Borrello and duly carried the minutes were approved. (5/22/13)

1<sup>st</sup> Privilege of the Floor

My name is Norm Green, I'm the Democratic Election Commissioner for Chautauqua County, 7 N. Erie Street. I am speaking to the motion that is on the floor today, opposing New York State Legislation enabling early voting. First off I would like you to realize that the majority of the voting. It certainly something that 32 other states in the United States have and is successful with and it's something that the people appreciate. It allows flexibility for voting, it allows people to go to, on the weekend, before the election, or several weekends before the election to go and vote. The concern should be and the concern that I heard and I think that it would be simple if everybody understands that early voting is something that people appreciate and that people will find that it's much easier to vote early at the Mall in Chautauqua, or the D&F Plaza, or in Sherman, or in Cherry Creek, or right here in Mayville, because there is 5 locations as the current legislation has suggests. The concern of course is the cost. I hate to say to, and I (*inaudible*) a little bit, when have Brian Abram and I ever not lived within our budget. In Chautauqua County, we certainly have been able to deliver elections in a cost effective way. The reason why we were able to deliver – we will be able to deliver this election in a cost effective way and at no cost, revenue neutral to the taxpayers in Chautauqua County is that New York State is also putting forward to expand election districts to 3,000 voters. Three thousand voters - currently your elections districts are approximately a 1,000 voters. Three thousand voters mean quite a few more people coming out. Early voting across the United States shows that 30% of the voters, 30% of the people in your district will come out early and vote. So that means that we will be able to manage that 3,000, the new number, we'll be able to decrease costs on Election Day. Certainly the costs will be covered, making it revenue neutral for early voting and quite possibly we're going to be able to save money. Which I ask again, when has the Chautauqua County Board of Elections, Brian Abram and Norman Green involved with it, when have we not met our budget? Yea, we're not (*inaudible*) counties and I realize that this rolls across the State. Expanding voting for the voters of Chautauqua County is something that is long overdue. It's something that is favored by the voters in the County. It's something that we all should be supporting. This year our expectation is that we'll have a 30% (*inaudible*) turnout. That compares with two decades ago when we were in the high 40%. We have to do something and I hope that this group tonight will not go on record as opposing early voting, will see the value in it and see the good things that you will be able to do for the voters of Chautauqua County. Thank you for your time.

My name is David Wilkinson and I reside at 7499 Putman Rd., Cassadaga, N.Y. I am here this evening representing the Southwestern New York Building Trade serving as the current Vice President. I represent 3,000 construction workers in Western New York. I am here to speak out regarding the appointment of Mrs. Giese to the IDA Board of Directors. Labor has held a position on the IDA Board of Directors for close to 20 years. Michael Piazza served the County in this capacity and as the Vice Chairman. Upon Mr. Piazza's resignation, the following comments were made from the Chairman of the IDA and I quote, "We want to commend Mike Piazza on his almost 20 year's

tenure with the Board. He was a tremendous advocate of the CCIDA as he was of the County. We are better to have served with him and better to have known him. We will have a plaque that will be hung in the board room along with this picture to honor him. At some point, we'd love to have him come in and see it", end quote. The reason I have stated this comment is remind the Legislature that labor deserves and should continue to be an integral participant of the Board. I find it appalling in the community struggling for its varied survival that the County workforce continues to be shunned. Labor has proven its worth time after time in this community serving as volunteers, sitting on boards, as I myself currently do and yet when it comes to the well-being of the workforce we are not invited to the dance as in this situation. After commending labor leader Piazza for his service and commitment local labor has not been considered for this appointment. I find this approach to be self-serving and detrimental to this community. I will state for the record, Mrs. Geise's performance as the Executive Director of Workforce Development has and continues to be exemplary. I can make this statements as I current serve as a Board Director member. My stance this evening should not be considered detrimental to Mrs. Geise in any capacity. I do believe the appointment to be a conflict of interest real or perceived. Mr. Daly serves as CEO and Administrative Director of the CCIDA. Mr. Daly also serves as Director of Planning & Economic Development in which Mrs. Geise's husband current is employed as Deputy Director of Planning and Economic Development. I will state from the CCIDA bylaws, and I quote, "Article 2, Members of the Board, Section 1, Appointment of Members Qualifications, thereof. Item C, for purposes of these bylaws, a terminate (*inaudible*) member means a member, one who – subsection three, is not a relative of an executive officer or an employee in any executive position of the agency or an affiliate of the agency."

In closing, I will state the labor's desire to not be considering detrimental. To the IDA, we should be considered a real working partner in the shaping of our communities needs and would ask this Legislature to deny this appointment and suggest this selection be from labor. Thank you.

My name is Nick Piccolo the Mayor of Silver Creek. I am here tonight to talk in regards to the enhanced police coverage by the Sheriff in the Village of Silver Creek. We ended up with no coverage because what happened was, we lost basically all of our enforcement officers because they went and found different jobs, different opportunities. We had hoped not to enter into a contract or discussions until July with the Sheriff, but because of the need that we did not have coverage for 24/7 in the village after the 30<sup>th</sup> of May. We more or less asked the Sheriff if he could come in and provide us the public safety and the coverage that we needed starting June 1<sup>st</sup>, which would make the contract retroactive back to June 1<sup>st</sup>.

The big thing is, since the Sheriff's presence has been in the Village, it has been noted quite a bit and we have had two good positive things that have happened in the Village. I can only say one thing about our ex-chief who is going to retire here in the next couple of days and the officers who stayed. We had one that was on probation and we had two part time officers and they sacrificed a lot of hours in order for us, through the month of May, to have and continue with 24/7 coverage. We no longer have that luxury because we no longer basically have those officers. The big thing is, we're hoping tonight that everyone will take into consideration the safety and well-being of all the people, especially the people in Silver Creek because without police coverage a lot of things can happen and we're hoping that you'll give us consideration and thought in order for you to let this agreement to go through. Thank you very much.

Chairman Gould: Anybody else to speak to the first privilege of the floor? Seeing none, we'll close the first privilege of the floor.

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COMMENDATION:

CHAUTAUQUA LAKE ROWING CLUB  
BY LEGISLATORS TARBRAKE & P.J. WENDEL

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## PROCLAMATION:

CHAUTAUQUA COUNTY DAIRY PRINCESS  
SAMANTHA NICKERSON

## COMMUNICATIONS:

1. Letters (2) – C. Exec. – Re: Appointments to STOP DWI & COI
2. Report – Clerk Tampio – Re: Annual Training & Conference for the Association of Clerks of County Legislative Boards
3. Email – Clerk Tampio – Re: Bed Tax Legislation Response from Assemblyman Goodell
4. Reports – Finance Dir. Marsh – Re: Investment (April/May 2013)
5. Report – Budget Dir. Crow – Re: Quarterly Dashboard
6. Report – Budget Dir. Crow – Re: Monthly Budget Performance – May/2013
7. Letter – United Arts Council – Re: Thanking for Continued Support from Bed Tax Monies
8. Email – Soil & Water Conservancy District – Minutes – May/2013
9. Highlights – NYS Fish & Wildlife – April/2013
10. Letter – NYS Comptroller – Re: Initiated Audit for Inmate Hospital Costs & Paying Appropriate Rates for Services Provided
11. Res. (2) Fulton County – Opposing New Unfunded Mandates to Require Early Voting in NYS & Urging Gov. Cuomo & State Leg. to Exempt Firearm Permit Records from Foil Disclosure
12. State Education Department – Re: Fiscal Audit Guidelines & Requirements
13. NYSAC – Re: Class Action Law Suit Against Online Companies who Engage in Circumventing Local Hotel/Motel Taxes
14. Labella Assoc. – Re: NYS Consolidated Funding Application Information

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 5/22/13

MOTION: (On file w/ 6/26/13 Leg. Data)

7-13 Proclaim June 2013 as Dairy Month in Chautauqua County – Unanimously Adopted

## RES. NO. 102-13

Confirm Appointment – STOP DWI Advisory 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 STOP-DWI Advisory Board:

Benjamin C. Webb	Position last held by David Cochran
158 W. Lake Rd.	
Mayville, N.Y. 1475	
Term Expires: 6/30/16	

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – June 26, 2013

## RES. NO. 103-13

## Confirm Appointment &amp; Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua Opportunities Governing Board.

Appointment:

Susan Forrester Mackay 73 Eagle St. Fredonia, N.Y. 14063 Term Expires: 6/30/14	Position last held by Patricia Christina
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Re-Appointments:

Joseph Gerace 235 Hunt Rd. Jamestown, N.Y. 14701 Term Expires: 6/30/14	Vincent W. Horrigan 225 Lakeside Drive Bemus Point, N.Y. 14712 Term Expires: 6/30/14
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Benjamin Spitzer 5841 Snug Harbor Dr. Mayville, N.Y. 14757 Term Expires: 6/30/14	Paul Whitford 25 Pearl St. Jamestown, N.Y. 14701 Term Expires: 6/30/14
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Signed: Tarbrake, Horrigan, Hoyer, Hemmer, James

Unanimously Adopted – June 26, 2013

## RES. NO. 104-13

## Confirm Appointment - Chautauqua County Industrial Development Agency Board of Directors

By Planning & Economic Development 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 Industrial Development Agency.

Kathleen Geise 121 Hamlet St. Fredonia, N.Y. 14063 Term Expires: 12/31/15	Filling term of Michael Piazza
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Signed: Croscut, Borrello, Heenan (P&E – Ahlstrom, Rogers voting “no”)

Defeated – R/C Vote: 9 Yes; 15 No; 1 Absent (No's: Ahlstrom, Cornell, Coughlin, DeJoe, DeJoy, Duff, Erlandson, Heenan, Hoyer, James, Nazzaro, Rogers, Runkle, Scudder, Whitney) – June 26, 2013

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RES. NO. 105-13

Amend Rules & Regulations of the Chautauqua County Legislature

By Administrative Services Committee:  
At the Request of Legislator Robert Whitney:

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 88-10; and

WHEREAS, it is appropriate that the Rules and Regulations be further amended; therefore be it

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

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

Signed: DeJoy, Cornell (A.S. Defeated w/ Scudder, Tarbrake, Barmore voting "no")

Defeated – R/C Vote: 8 Yes; 16 No; 1 Absent (No's: Ahlstrom, Barmore, Borrello, Croscut, Duff, Erlandson, Heenan, Hemmer, Himelein, Horrigan, Hoyer, Runkle, Scudder, Stewart, Tarbrake, Gould) – June 26, 2013

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RES. NO. 106-13

Authorize Public Hearing for Lease of Airport Facilities by Silver Airways at the Jamestown Airport

By Public Facilities Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Silver Airways at the Jamestown Airport; and

WHEREAS, the Chautauqua County Airport Commission has recommended the approval of air service by Silver Airways with a major connection with United Airlines at the Cleveland Hopkins International Airport; and

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

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the proposed lease of airport facilities at the County Airport at Jamestown at the meeting of the County

**Strikethrough Indicates Deletion, Underline New Language**

Legislature on July 24, 2013 at 6:45 p.m. in Legislative Chambers, Gerace Office Building, Mayville, New York 14757 upon substantially the following proposed terms and conditions:

1. Premises: Approximately 1,738.5 sq. ft. of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at the County Airport in Jamestown.
2. Rent: Payment of \$ 2,000.00 per month plus \$ 6.00 per flight landing fee.
3. Term: A term beginning October 1, 2012 and ending September 30, 2014.
4. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – June 26, 2013

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RES. NO. 107-13

Authorize Supplemental Agreement with NYSDOT for Performance of Federal-Aid Project  
PIN 5760.37

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

WHEREAS, the Chautauqua County Bridge Painting Project, PIN 5760.37 (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, now estimated to be \$266,000, 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 and Construction & Construction Inspection phases of the project PIN 5760.37 with existing funding in account D.5112.390; therefore be it

RESOLVED, That the County Legislature of the County of Chautauqua hereby approves the above-subject project; and it is 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 and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and non-Federal shares of the cost of the project's Preliminary Engineering and Construction & Construction Inspection phases exceeds the amount appropriated above, 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 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 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, That 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	\$26,000
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002	Federal Aid - Surface Transp Program	\$26,000
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Borrello, Heenan

Unanimously Adopted – June 26, 2013

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RES. NO. 108-13

Authorize Grant Application and Agreement with NYS for Municipal Waste Reduction & Recycling Assistance Program for Purchase of Capital Equipment

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County desires to improve transfer station recycling and reduce solid waste; and

WHEREAS, grant monies are available through New York State (NYS) which provide financial aid in an amount up to but not exceeding fifty percent (50%) of the eligible costs for capital equipment purchases; and

WHEREAS, the County desires to file an application for this State Grant-In-Aid for a Municipal Waste Reduction & Recycling Assistance Program; therefore, be it

RESOLVED, That the County Executive is hereby authorized to execute grant applications and enter into agreements within applicable budget appropriations with the above-named grantor for so long as the NYS Department of Environmental Conservation continues to fund the Waste Reduction and Recycling Assistance Program for Capital Equipment, and to execute such other documents as may be necessary for implementation of this initiative, and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with agencies, corporations, organizations, school districts and other municipal entities as necessary to carry out the objectives and requirements of these grant programs.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – June 26, 2013

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## RES. NO. 109-13

## Additional Funding for the Replacement of Airport Guidance Signs at the Dunkirk Airport

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

WHEREAS, the County Legislature, Airport Commission, New York State Department of Transportation (NYSDOT) and Federal Aviation Administration (FAA) have approved a project for the Chautauqua County Dunkirk Airport consisting of the replacement of airport guidance signs, FAA AIP Project No. 3-36-0022-XX-13; NYSDOT project No. 5905.XX; and

WHEREAS, NYSDOT has offered a matching grant to the Federal grant for 50% of the non-Federal share of eligible costs; and

WHEREAS, the Chautauqua County capital budget already includes \$220,000 for the replacement of airport guidance signs project costs as follows:

Federal (95%) -	\$ 209,000
State (2.5%) -	\$ 5,500
Local (2.5%) -	\$ 5,500
Total Project -	\$ 220,000 ; and

WHEREAS, the scope of the proposed project includes replacement of taxiway lighting and is now estimated at \$391,145; and

WHEREAS, the Federal funding for the project has been changed from 95% to 90% and the non-Federal share from 5% to 10%; and

WHEREAS, the budgetary amounts should be amended to conform to these adjustments for FAA AIP Project No. 3-36-0022-XX-13 at the Chautauqua County Airport at Dunkirk; and

WHEREAS, if Chautauqua County and/or the FAA notifies NYSDOT that Chautauqua County has requested and received an increase in Federal funding for the project based on increased eligible costs and has authorized the proportionate increase in local funding, the New York State share noted above shall be increased proportionately up to a maximum increase of 15% (not to exceed \$ 2,933); therefore be it

RESOLVED, That Chautauqua County shall enter into an agreement with the State of New York for financial assistance for the replacement of airport guidance signs and Taxiway C and D Medium intensity Taxiway lights, and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with NYS, FAA, Engineers and Contractors in connection with this project; and be it further

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

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

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfers – Interfund Transfers	\$ 14,057
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INCREASE REVENUE ACCOUNT:

A.9950.9999.R240.1RSV	Use of Money and Prop. – Int & Earn: Cap Resrv	\$ 14,057
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H5610.25855.4	Contractual – Airfield Signage – Dunkirk	\$ 171,145
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INCREASE CAPITAL REVENUE ACCOUNTS:

H5610.25855.R359.7001	State Aid: Airport Capital Grant	\$ 14,057
H5610.25855.R459.2000	Federal Aid: Airport Federal Capital Grant	\$ 143,031
H.5610.25855.R503.1000	Interfund Transfer – Interfund Transfers	\$ 14,057
	Total	\$ 171,145

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Borrello (A.C. Runkle, Heenan voting “no”)

Adopted w/ Legislators Ahlstrom, Duff, Heenan, Runkle, Rogers voting “no” – June 26, 2013

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RES. NO. 110-13

Authorize Agreement with Village of Bemus Point for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Village of Bemus Point has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2013 summer season; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Bemus Point for the period of June 28, 2013 through September 3, 2013, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of \$35.35; therefore be it

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

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 111-13

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua Lake Central School District has requested that the Office of the Sheriff provide Deputy Sheriffs at sporting and social events at the schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from May 1, 2013 through December 31, 2013, for an estimated cost not to exceed \$2,500, based on an hourly rate of \$35.35; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 112-13

Authorize Agreement with Village of Silver Creek for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards and Legislator Borrello:

WHEREAS, the Village of Silver Creek has requested that the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Village beginning June 1, 2013; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of June 1, 2013 through December 31, 2014 with quarterly payments to be made by the Village to the County in the amount of \$91,315.75 for 2013 and \$94,413.00 for 2014; therefore be it

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

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Borrello, Heenan, Himelein (A&C DeJoe voting "no")

MOVED by Legislator Nazzaro, SECONDED by Legislator Whitney to amend term of contract to end of 2013. R/C Vote: 13 Yes; 11 No; 1 Absent (No's: Ahlstrom, Borrello, Cornell, Croscut, Heenan, Himelein, Rogers, Scudder, Stewart, Tarbrake, Gould)

Adopted as amended R/C Vote: 22Yes; 2 No; 1 Absent – (No's: Ahlstrom, Heenan) – June 26, 2013

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RES. NO. 113-13

Increase Escrow Account with NYS Division of Criminal Justice Services for Live Scan Fingerprints

By Public Safety and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County Sheriff has an existing agreement with the New York State Division of Criminal Justice Services for the submission of live scan fingerprints; and

WHEREAS, the County Sheriff has established an escrow account with the New York State Division of Criminal Justice Services to cover fees for processing the fingerprints and related criminal histories for pistol permit applicants, employees, and offenders; and

WHEREAS, the current escrow account allows for only the transaction of Ten Thousand Dollars (\$10,000.00); and

WHEREAS, the County Sheriff has observed a dramatic increase in live scan submissions and that an increase in the escrow account would ultimately increase both productivity and efficiency within County government; therefore be it

RESOLVED, That the Director of Finance is authorized and empowered to increase the New York State Division of Criminal Justice Services Fingerprint Submission Escrow Account to Thirty Thousand Dollars (\$30,000.00).

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 114-13

Authorize Acceptance of Aid to Prosecution Funds 2013-2014

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

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$38,900.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from April 1, 2013 through March 31, 2014; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2013 Budget includes appropriations and funding for this grant; therefore be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to prosecute serious felony cases; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds; and be it further

RESOLVED, That any staff positions created and funded pursuant to this State program will not be continued if said program is abolished.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 115-13

Authorize Acceptance of 2013-2014 NYS Crime Victims Assistance Grant

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

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant in the amount of \$117,681 from the New York State Crime Victims Board for the period from October 1, 2013 through September 30, 2014; and

WHEREAS, the local match requirement will be provided by third party and in-kind services; and

WHEREAS, such funds will enable the District Attorney's Office to provide assistance to victims of crime in Chautauqua County; and

WHEREAS, the 2013 Budget includes appropriations and funding for this grant; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Office of Victims Services to accept a Crime Victim Assistance grant; and be it further

RESOLVED, That it is the intent of the County Legislature that the crime victim coordinator and the victim service provider positions created and funded pursuant to this grant will not be continued should the grant not be refunded.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 116-13  
2010 Citizen Corps Grant Award Appropriation of Funds

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

WHEREAS, the Department of Homeland Security appropriations provided funds to New York State to be used for grants relating to Citizen Corps Councils; and

WHEREAS, New York State Emergency Management Office has approved Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, through July 31, 2013; and

WHEREAS, Resolution 64-11 authorized the County Executive to enter into contracts with New York State Emergency Management Office to accept funds for Citizen Corps Councils; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$65,233
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$65,233
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Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 117-13  
Homeland Security Grant for FY08-Appropriations

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

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2008 which have been extended to May 31, 2013, and

WHEREAS, Resolutions 108-09 authorized the County Executive to sign and accept the Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of the FY08 extended program, funds need to be in place to finish the Comprehensive Emergency Management Plan(CEMP), the HazMat Response Plan, and the Mass Casualty Plan; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$21,361
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$21,361
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Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 118-13

Transfer of Elizabeth M. Newton Trust Fund to Department of Health & Human Services Tuberculosis Account

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

WHEREAS, per the will of Elizabeth M. Newton dated September 1912 and per Resolution 241-59, the proceeds (\$113,744.98) from the sale of the County Tuberculosis Hospital were placed in a trust fund, "Elizabeth M. Newton Memorial Tuberculosis Fund;" and

WHEREAS, these proceeds and income (\$1,255.02) thereof were to be expended by the County of Chautauqua for the care and treatment of Tuberculosis patients and the principal sum to be used for any capital expenditures necessary in connection with the operation of a Tuberculosis Clinic or Clinics within the County of Chautauqua; and

WHEREAS, according to Public Health Law Article 22, the Chautauqua County Department of Health & Human Services, Public Health division, is charged with providing care and treatment for those suffering from Tuberculosis; and

WHEREAS, the Chautauqua County Department of Health & Human Services, Public Health Division, provides Chest Clinics in each clinic location of the HRC Building in Mayville, SCOB in Jamestown, and Graf Building in Dunkirk as well as the Chautauqua County Jail; and

WHEREAS, the Chautauqua County Department of Health & Human Services, Public Health Division would like to utilize the funds to upgrade chest x-ray reading capabilities and ventilation systems to assure one negative pressure ventilated exam room in each clinic location to comply with Title 10, Article 28 Diagnostic and Treatment Center regulations for the care of Tuberculosis patients; and

WHEREAS, the funds should be transferred to the appropriate account where these funds will be expended; therefore be it

RESOLVED, That \$115,000 from TA.98.0000 be transferred to new capital account H.4070.655; and be it further

RESOLVED, That upon the transfer of the balance of the funds, account TA.98.0000 can be closed; and be it further

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

<u>ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.4070.655.4	Contractual – Exam Room Upgrade (TB)	\$115,000
<u>ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:</u>		
H.4070.655.R275.5000	Endowment & Trust Fund Income	\$115,000

Signed: Tarbrake, Horrigan, James, Hoyer, Hemmer, Runkle, DeJoe, Borrello, Heenan

Unanimously Adopted – June 26, 2013

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RES. NO. 119-13  
Thinking for a Change Training

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

WHEREAS, The Chautauqua County Office of Probation was awarded a grant by the New York State Division of Criminal Justice Services to implement a 200% of Poverty Alternatives to Incarceration program, receiving legislative approval by means of Resolution # 218-12; and

WHEREAS, one facet of the grant program is Thinking for A Change, an integrated, cognitive behavioral change program for offenders which was developed in cooperation with the National Institute of Corrections; and

WHEREAS, as part of the grant County Probation will collaborate with County Mental Hygiene and with Cattaraugus County Office of Probation to provide training for not more than 24 individuals to become Thinking for a Change facilitators; and

WHEREAS, the estimated cost to bring two trainers to Chautauqua County to provide the training is \$8,719.60, such cost to be shared equally by Cattaraugus County, County Probation and County Mental Hygiene; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a cost sharing agreement with Cattaraugus County and such other documents as may be necessary to facilitate the sharing of costs.

Signed: Tarbrake, James, Horrigan, Hoyer, Hemmer, Runkle, DeJoe, Borrello, Himelein

Unanimously Adopted – June 26, 2013

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RES. NO. 120-13

Accept Grant Funding from the Appalachian Regional Commission Area Development Program for Equestrian Trail Development – Phase III

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities and is home to over 4,300 horses and many active bridle clubs and corrals; and

WHEREAS, local horse owners and groups have requested that Chautauqua County develop a network of equestrian trails that could provide an economic stimulus to the rural areas of Chautauqua County similar to the snowmobile trail system during the winter season; and

WHEREAS, the County of Chautauqua Industrial Development Agency (IDA) and the Chautauqua County Department of Planning and Economic Development (CCPED) partnered to work with an outside consultant to develop the *Chautauqua County Equestrian Trail System Plan*, which was completed in January of 2011; and

WHEREAS, the development of an equestrian trail loop in the eastern part of Chautauqua County will serve as a model for future trail development throughout the County; and

WHEREAS, Phase III of the trail loop, which will extend from the Erwin Road Parking Area north of Cockaigne Ski Area to Cherry Creek, is estimated to cost \$296,000 dollars; and

WHEREAS, funding, including the non-local portion of the development of Phase III of the Equestrian Trail, is included in the County's Capital Budget account H.8020.37880; and

WHEREAS, the County is required to officially accept the ARC funding and establish the revenue and expense accounts for Phase III; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the ARC funding, and execute all agreements necessary to implement the project.

Signed: Croscut, Rogers, Borrello, Ahlstrom, Heenan, DeJoe, Himelein (A.C. Runkle voting "no")

Unanimously Adopted – June 26, 2013

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RES. NO. 121-13

Allocating 3% Occupancy Tax Funding from the 2013 Off-Cycle Contingency Account

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Resolution 94-13 re-established guidelines for allocation of the original 3% occupancy tax revenues, and provides that a portion of the annual allocation for development of attractions and events be held in a contingency account to be utilized for unanticipated project requests occurring outside the annual application review process; and

WHEREAS, the Tourism Review Panel has met to consider and has made recommendations for the off-cycle requests received; therefore be it

RESOLVED, That the following additional projects are approved for 3% Occupancy Tax funding from the 2013 budget:

Skating & Gymnastics Spectacular	\$6,480
Dunkirk Historical Lighthouse	\$2,590
Great Lakes Experience	\$2,405

Signed: Croscut, Rogers, Borrello, Ahlstrom, Heenan, Runkle Himelein (A.C. DeJoe voting "no")

Unanimously Adopted – June 26, 2013

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RES. NO. 122-13  
Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:  
At the Request of Chairman Frank J. Gould:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the first Financial Management Policy was adopted pursuant to Resolution 168-04, and was further amended by Resolution 64-05 adopted March 23, 2005; and

WHEREAS, there are no additional amendments to the existing policy proposed at this time; therefore be it

RESOLVED, That the existing Financial Management Policy is hereby reconfirmed.

Signed: Runkle, DeJoe, Borrello, Himelein

Adopted w/ Legislator Borrello voting "no" – June 26, 2013

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RES. NO. 123-13  
Authorize Sale of Tax Foreclosure Property

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

WHEREAS, the County pursued tax foreclosure actions against parcel 371.10-4-2 in the Village of Falconer and parcel 49.06-5-4 in the Village of Silver Creek; and

WHEREAS, the Falconer parcel was sold at public auction to the Chautauqua Home Rehabilitation & Improvement Corporation (CHRIC) and the Silver Creek parcel was sold to Donald Nash Jr.; and

WHEREAS, it was discovered that certain persons were not afforded notice of the tax foreclosure in either case causing the County to successfully move to set aside and cancel the judgment of foreclosure and tax deeds on the parcels; and

WHEREAS, the parcels were placed into a new tax foreclosure proceeding with all parties of record being afforded the required notice of the proceeding, and neither parcel was redeemed; and

WHEREAS, the former purchasers at auction desire to acquire the respective parcels; therefore be it

RESOLVED, That the Chautauqua County Executive be and hereby is authorized to execute any and all documents necessary to sell parcel 371.10-4-2 in the Village of Falconer to CHRIC for the original bid amount of \$1,766.91 plus applicable charges; and be it further

RESOLVED, That the Chautauqua County Executive be and hereby is authorized to execute any and all documents necessary to sell parcel 49.06-5-4 in the Village of Silver Creek to Donald Nash Jr. for the original bid amount of \$24,000.00 plus applicable charges; and be it further

RESOLVED, That the above purchasers are responsible for any and all taxes beginning with the June, 2013 Village Tax, and the County Executive be and hereby is authorized to cancel any outstanding taxes prior thereto.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – R/C Vote: 24Yes; 1 Absent - June 26, 2013

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RES. NO. 124-13

Authorize Sale of Tax Foreclosure Property in the Village of Falconer

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

WHEREAS, the County is expected to acquire property located near Cross Street in the Village of Falconer designated on the tax maps of Chautauqua County as 371.11-2-11 (includes lots 11.1 and 11.2) via a deed in lieu of tax foreclosure pursuant to Resolution 44-13; and

WHEREAS, the County and the former property owner agreed to a sale of a vacant portion of the formerly delinquent tax foreclosure parcel consisting of 0.8 acre for the purchase price of \$2,500.00; therefore be it

RESOLVED, That the Chautauqua County Executive be and hereby is authorized to execute any and all documents necessary to sell the aforementioned property to Charles L. Ludwig for the purchase price of \$2,500.00.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – R/C Vote: 24Yes; 1 Absent - June 26, 2013

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EMERG. RES. NO. 125-13

Authorize Payment of \$50,000 for Settlement of Claim of Estate of Janice Slaton

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to General Municipal Law § 6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claim of the Estate of Janice Slaton for the sum of \$60,000.00, of which the County will be responsible for \$40,000.00 for claimant's attorney fees and \$10,000.00 made payable to the claimant as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$50,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of the Estate of Janice Slaton.

Unanimously Adopted – June 26, 2013

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LOCAL LAW  
INTRODUCTORY NO. 5-13  
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVELS FOR CHAUTAUQUA COUNTY LEGISLATORS

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

1. Salary Levels for County Legislators. Effective January 1, 2014, the annual salary for County Legislators shall be \$12,000.00. The following positions shall receive the listed annual compensation in addition to the regular salary:

Chairman of the Legislature	\$ 8000
Majority Leader	\$ 1000
Minority Leader	\$ 1000
Assistant Majority Leader	\$ 500
Assistant Minority Leader	\$ 500
Each Committee Chairman	\$ 1000
Each Ranking Member of Committees	\$ 250

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

Mailed: 6/14/13

Withdrawn by Sponsor: 6/24/13

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LOCAL LAW  
INTRODUCTORY NO. 6-13  
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVEL FOR CHAUTAUQUA COUNTY EXECUTIVE

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

1. Salary Level for County Executive. Effective January 1, 2014, the annual salary of the County Executive shall be \$109,480.

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

Mailed: 6/14/13

Withdrawn by Sponsor: 6/24/13

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LOCAL LAW  
INTRODUCTORY NO. 7-13  
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVEL FOR CHAUTAUQUA COUNTY CLERK

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

1. Salary Level for County Clerk. Effective January 1, 2014, the annual salary of the County Clerk shall be \$68,264.

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

Mailed: 6/14/13

Withdrawn by Sponsor: 6/24/13

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LOCAL LAW  
INTRODUCTORY NO. 8-13  
CHAUTAUQUA COUNTY

ESTABLISHING SALARY LEVEL FOR CHAUTAUQUA COUNTY SHERIFF

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

1. Salary Level for County Sheriff. Effective January 1, 2015, the annual salary of the County Sheriff shall be \$87,450.

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

Mailed: 6/14/13

Withdrawn by Sponsor: 6/24/13

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2<sup>nd</sup> Privilege of the Floor

Mayor Piccolo of Silver Creek. I understand your concerns. There was no desire to cost the Legislature money. We put a lot of effort into this. What happened was, we were hoping that we didn't have to go into an agreement which would have been more (*inaudible*) starting July 1<sup>st</sup>. But, like I said, the need arose and we had to go with June 1<sup>st</sup>. What is not in the contract is \$18,000 for fuel in the first year and \$20,000 for fuel the next year. We also offered the Sheriff our facilities which gives him more room. Our Hub is already set up, we're already tied into the network here in Mayville. Our camera system is there for the investigators to look at which covers the park. We also have a camera

system that covers the school. We have the ability from the Village for the Sheriff now to do, what our officers did. They can talk to the bus drivers, they can talk to the school, they can talk back and forth to the County, to the fire, there is a lot more behind the scenes that basically we're not given credit for. There was no desire that we were going to take advantage of the County. We didn't want to do that. If we were going to take advantage of the County, we would have said, well Joe, here is the Italian salute, you are going to cover the Village of Silver Creek whether you like it or not. That wasn't our intent. Our intent was to enter into an agreement that would benefit the Village taxpayers and the Village of Silver Creek plus give them the coverage that they had been accustomed to as we've had our own police department. To this date, I can't commend the Sheriff and his people for a job that they have done. They have done a great job. You guys ought to be proud of the gentleman that you have. That is your Sheriff because we are. They have made a big impact on the Village of Silver Creek. I thank you for your time. I also thank you for your consideration for the six months. Everybody thought that it was a 2 year agreement, it would have been actually a year and a half because if you add 14 onto it, that would have been just a year and a half. Thank you again for your time and I appreciate all your consideration that you have put into this and thank you very much.

My name is Tami Downey, I'm talking on behalf of the Blue Star Mothers. I would like to invite all of you down to Frewsburg. We are in the beginning of the gala days which starts tonight and lasts until Saturday evening with a fireworks display. If you do come to the gala days, please come visit the Blue Star Mother's tent. We have a tent this year and excited about it. Please bring a non-perishable food item. Personal hygiene item, flip flops, something fun. The reason for this is we just recently adopted a platoon out of Fort Drum who is current stationed in Afghanistan and this platoon will thankfully be home sometime between the end of September to the beginning of November. So, we would like to send them some special things and thank you very much and hope to see you there.

My name is Anthony Tota, I live at Jamestown, N.Y., 48 Sherman Street. The reason I came here today is because I am having some issues that have lasted for years as far as traffic in my neighborhood. After speaking with Chief Snellings from the Jamestown Police Department, I was informed that the dispatchers were under the control of Sheriff Gerace in Mayville. What is happening is the dispatchers are failing to identify themselves as far as traffic calls. They are not taking my complaints and they are not writing my complaints. So, they are exacerbating the problem that is in my neighborhood and it's affected me for years. I spoke with Sheriff Gerace about it and the Sheriff would like to make a comment, I would invite him to do that. He has not solved the problem, I asked him to solve the problem of having the dispatchers identify themselves. I understand in talking to Mrs. DeJoy, whom I have spoken to a few times. The County Legislature does have some jurisdiction over the Sheriff's policies. The Sheriff has refused to call me back and refused to solve the problem. He stated that - as far as the identification of dispatchers. Now what is happening is not only are they failing to identify themselves, they are harassing me when I make calls and I cannot track them down when I call them during the course of a week or several weeks to find out who is not doing their job, who is not making - submitting complaints that are making - who is not dispatching vehicles from the Jamestown Police to my neighborhood. As I stated, it's causing a problem to extend itself. This is really not a hard problem to solve and the Sheriff needs to address this problem, he needs to respond to me. He will not respond to my calls and he needs to tell the dispatchers to identify themselves as he stated was his policy and that is not being carried out to this day. So, it is continuing a problem which there is really no need for. I am asking everybody in this Legislature to try and speak with the Sheriff and address the problem of the dispatchers that he is not controlling after he stated that he would. Hopefully try and get some resolution as far as when the dispatchers are going to do their job.

Chairman Gould: Thank you. We will send this transcription to the Sheriff.

Mr. Tota: Thank you very much.

Jim Cafilisch, 928 Marvin Road. I speak to you this evening not as your Real Property Tax Director but as a member of the Joint Landowners Coalition of New York State. I'm a member of an organization with 77,000 members. We are for the responsible development of our natural resources in New York State, particularly natural gas. Chautauqua County is the most drilled County in New York State with over 5,000 well, over 80% of which have been hydrofracked. The high volume hydrofracking issue is going to be upon us sometime in the future because we sit on top of rock formations which will ultimately have to be developed in that manner. It can be done, it's being done responsibly in 30 states. I hope your discussion on September 18<sup>th</sup>, will include people who are knowledgeable, who can speak to this. Not just for a hysterical side who don't have the facts, but from those parties who have researched it, have watched it being done in other states, and I think it will open everyone's eyes if we are open to full issues of this resource. It's a very important part of property tax revenue in New York State and will also have a big impact on our economic development. So, I would ask everyone to please make sure this discussion is an open honest discussion and not one with hysterical voices.

Legislator Ahlstrom: This evening on a couple of resolutions we had some interesting discussion. On resolution 105, amending the rules. In talking about motions and it was said numerous times that it was good for us to have debate on the issues and the exchange of opinions. Then we went onto resolutions 112 and 113 that actually has a point and we called the question which removed Legislators from the debate. I'm extremely frustrated, disappointed in the Legislature that when somebody votes no on calling the question, it's obvious that they still would like to speak whether you realize it or not and all of our opinions are worth just as much as the others. When Legislators have the ability to speak three or four times on the issues and other Legislators speak only once or not at all, that is not a fair situation and that is not being truthful to the public that we actually care what each other's opinions are on the issue. It was obvious after the question was called that we didn't know what the heck we were doing on it because there were numerous other questions that were then allowed on the procedure of calling the question. What are we voting on, what are the effects of this that maybe had we allowed the discussion to continue, we would have found the answer to. I'm sorry if my frustration is showing through but to be shut off by other Legislators in the debate is unacceptable.

Legislator Runkle: For this September 18<sup>th</sup> meeting, I believe, will there be a representative there from the DEC?

Legislator Croscut: No, there will be the representative from the County, Bill Boria and Mr. Kim Sherwood who is on the Water Quality Task Force also and does several presentations. We're all interested in the facts, this will be the first of many, many meetings and this is why we want it brought to the Legislature floor. We do not intend (*inaudible*) and I think that you will find the presentation very educational.

Legislator Runkle: I was curious as to whether or not the DEC has come to any kind of a conclusion about fracking.

Legislator Croscut: According to last week's meeting, they have not.

Legislator Cornell: I just want to applaud Mr. Cafilisch and the entire Real Property Tax office on a very well-run auction this past Saturday. Nicely done.

Legislator Tarbrake: I would just like to piggy back on something Mrs. Cornell said earlier about Katie Giese. I have a little different take to it. I think as a Legislature we dropped the ball a little bit on this. I think that she would have been an excellent choice for the IDA Board. I don't believe that there would have been a conflict of interest. Like Mrs. Cornell said, she is an excellent business person in the community and I'm just disappointed as Mr. Edwards has a hard time filling boards as we all know. I think that we did drop the ball on this one.

Legislator Whitney: I would like to publically remind the County Executive that Steve Thorp, a member of labor, is still interested in getting on that IDA Board.

Legislator Erlandson: I would simply like to agree with Mr. Caflich that while fracking is very important from an environmental perspective there are also landowner rights involved and they need to be heard. I also want to point out that Mr. Boria and Mr. Sherwood are extremely knowledgeable. Mr. Boria is a geologist. He works for our County Health Department and Mr. Sherwood is a hydrologist and I do not know of anyone in this entire state that is more knowledgeable about fracking than Kim Sherwood. He has done major research on it in the last several years. One final comment, vertical well fracking that we have had in this County for 40 years or more is not the same thing as a horizontal well fracking and if you don't know the difference, come on the 18<sup>th</sup> and you will learn or at least have the opportunity to learn.

Chairman Gould: Thank you, very well said. Anyone else to speak?

MOVED by Legislator Croscut, SECOND by Legislator DeJoe and duly carried the meeting was adjourned. (8:44 p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, July 24, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent- Coughlin)

Legislator James delivered the prayer and pledge of allegiance.

MOVED by Legislator Himelein, SECONDED by Legislator Hoyer and duly carried the minutes were approved. (6/24/13)

1<sup>st</sup> Privilege of the Floor

Legislator DeJoe: I am here representing the Tobacco Free Coalition Committee. Kitty Crow is out. I understand that she is having some surgery. I obviously don't look like her so and I'm going to do the best to replace her. The purpose of this Committee and this Local Law was to address some concerns. I want to first say thank you to County Executive Edwards for appointing me as Legislator to this Committee. Children are near and dear to my heart and that was part of this process. Under Section 1, the purpose, I believe adequately explains what the committee's function is. And I quote, "the use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes on real property owned or leased by the County of Chautauqua is prohibited in order to; a) protect the public health, safety and general welfare by eliminating exposure to secondhand smoke; b) acknowledge the need of non-smokers, especially children, to breathe smoke-free air, and to eliminate the danger to public health which secondhand smoke causes. And for each Legislator, on your desks is a copy of New York State's Clean Indoor Act which is observing its 10<sup>th</sup> year anniversary today. I ask you to particularly pay attention to this statement which is the second sentence. This law was intended to reduce exposure to secondhand smoke among non-smokers and among employees who work in hospitality venues. According to the 2006 surgeon general's report which is the health consequences of involuntary exposure to tobacco smoke, evidence for the negative health affects the secondhand smoke is clear and convincing. Secondhand cigarette smoke is responsible for nearly 50,000 deaths nationwide annually and is linked to increases in cancer, heart disease, and other lung diseases in adults. Secondhand smoke increases the risks for sudden infant death syndrome, SIDS, low birth weight, asthma, ear infections and other illnesses in children. Reducing exposure to secondhand smoke is a primary objective that the Department of Health Bureau of Tobacco Control. As both indicate, children cannot prevent smoke getting in their lungs when they are in areas that are full of smoke. They just can't walk away and if they're in cribs or holders, no way. A number of Legislators had concerns about this, not only in committee but in discussion. I have provided to you a copy of the committee's concerns that they felt might come up and any resolution or action that they could to address these concerns. It's on your desks and hopefully to save time that this may answer a lot of your questions. I am done for right now but I know that other people from the committee want to address what they are going to do. So, I will leave it to them, thank you.

Jeanie Polisoto, Forestville, N.Y. I notice that you have authorization and acceptance of trying to reduce violent crime in Jamestown. Human behavior has been one of my more significant efforts in learning and for some particular reason and I am not saying not to accept the money but it says here that to reduce violent crime through intelligent-led enforcement strategies. I think probably the one worst thing that you could put in terms of a strategy is enforcement which means it's a cop and robber kind of game plan. Bad guys like to have that adrenaline rush no matter what. I don't know what else is involved in this plan. Now, I know that it is a grant and I am going to try and FOIL this

information but when you put in grants, I would like to see the word effectiveness and other (*inaudible*) the backup that this is a grant that is viable to do exactly what it says. I make this comment because I know there was \$30,000 approved and I think that Mr. Coughlin had addressed that issue. That there were only 3 people that benefited from the \$30,000 and I also made a suggestion that it was best to deal with youth with money rather than in the incarcerated stage factor or using prior crimes as a way to do what. I mean, most countries know that their best resources, the human being and to put a measurable number of people in prisons, that is not anything that I would be proud of and yet the United States leads that. So, I would hope there is a little bit more due diligence in how this is applied. Like I said, I would like to see what the grant incorporates because a lot of that does deal with poor people and also our black community.

Good evening. Thank you. My name is Laurie Adams and I'm the Program Director for the Tri-County Tobacco Free programs and as was mentioned earlier, as being part of the committee in helping educate those that Mr. Edwards' assigned and we thank him for his leadership in this role. We have been able to work effectively over the last few months to try and answer questions and provide education. I want to give you a bigger picture as to what is happening across New York State and in the fact that hundreds and hundreds of communities, elected officials, and Statewide are protecting outdoor areas by creating tobacco free. I also want to bring with me tonight because I can't believe tonight is the 10<sup>th</sup> anniversary. We wore these t-shirts 10 years ago today, celebrating I LOVE SMOKE FREE NEW YORK and what a tribute to the reports you have in front of you stating that the Clean Indoor Air has helped reduce the heart attack initiations, all sorts of health issues in protecting them. So now as we have seen what has happened in the last 10 years, we realize and understand that tobacco free boundaries have expanded for the health of our children and for the savings of money. That is our message. This is not about the smoker, this is about the smoke. Seven thousand carcinogens in every single puff of secondhand smoke and this is the opportunity to actually help protect citizens in our community with they are walking and visiting our facilities and especially the children as was mentioned. This is an opportunity to roll model positive behavior and know that even though our rates smoking have declined, and we've made some great advances in helping adults quit and making sure our youth don't start, this is the opportunity now that we can protect all of our citizens that are part of not only our community but looking to us for leadership and role modeling and knowing that our next generation won't have to deal with the death and despair that happens from tobacco use. So, I thank you and I thank the committee. I also thank again Mr. Edwards for supporting this and we hope that we'll be able to answer questions if necessary.

My name is Lisa (*inaudible*) Miller and I reside in Ashville, New York and I work with the Chautauqua County Department of Health and Human Services on the Community Transformation grant. That grant is working in the early childcare, the schools, and the community settings to reduce the costly burden of chronic disease in our communities. This work includes reducing exposure to secondhand smoke and to smoking behavior. On a personal level, in March of 2012, I suffered a heart attack. I am not diagnosed as somebody with coronary artery disease. The Center for Disease Control note that people who already have heart disease are at a specially high risk of suffering adverse effects from breathing secondhand smoke and should take special precautions to avoid even brief exposures. I frequently find myself working in the County office buildings here, over in the HRC and attending meetings throughout the County and it's painful to me on a personal level to walk through secondhand smoke on my way into a meeting about health and protecting the health of our entire community. Chautauqua County has an opportunity to lead the way in policy which protects public health not only for our employees but also to members of the public who visit County property for healthcare, for social services, to do other business at the DMV and at other places and for recreation. I encourage you to vote in favor of prohibiting the use of tobacco products on all property owned or leased by Chautauqua County. Thank you.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing no one, I'll close the first privilege of the floor.

PRESENTATION: CAPITAL PROJECTS  
BY  
DOUG BOWEN, CHAIRMAN  
CHAUTAUQUA COUNTY PLANNING BOARD

**(Copy of the presentation in the Legislative Clerk's office)**

Legislator Croscut: We would like to thank you for your time and effort. I have been around for 16 years and I know I take seriously the recommendations but thank you. I know that it is a tireless job and thank you for your dedication and pass that on to all the members of the committee. Thank you.

Mr. Bowen: I will and thank you.

Chairman Gould: Any questions or comments?

Legislator Barmore: Thank you Mr. Chairman. I just want to piggy back on what Mr. Croscut said. As someone who used to serve with Mr. Bowen on the Planning Board, I know the many, many hours and late nights that are put into making these recommendations in this report. It's a tireless effort on your guy's part and we appreciate it. Thank you.

6:45 P.M.

PUBLIC HEARING  
RE: LEASE OF FACILITIES BY SILVER AIRWAYS  
JAMESTOWN AIRPORT

Chairman Gould: We'll now open up (6:50 p.m.) the public hearing for the lease of the facilities by Silver Airways at the Jamestown airport. Is there anyone to speak? Seeing no one, I will close the public hearing. (6:51 p.m.)

COMMUNICATIONS:

1. Letters (2) – Co. Exec. – Re-Appts. – STOP DWI Advisory Board
2. Letters (2) – Co. Exec. – Re-Appts. – Traffic Safety Board
3. Proof of Publication – Re: Public Hearing – Silver Airways/Jmst. Airport
4. Report – Fn. Dir. Marsh – Investment Report – June 2013
5. Chaut. County Home Income Statement Through 6/30/13
6. Res. – V/ Brocton – Re: Supporting the N. County Regional Water District
7. Res. – T/Dunkirk – Re: Supporting the N. County Regional Water District
8. Res. – V/Forestville – Re: Supporting the N. County Regional Water District
9. Res. – T/Hanover – Re: Supporting the N. County Regional Water District
10. Res. – T/Pomfret – Re: Supporting the N. County Regional Water District
11. Res. – T/Portland – Re: Supporting the N. County Regional Water District
12. Res. – T/Sheridan – Re: Supporting the N. County Regional Water District
13. Res. – V/Silver Creek – Re: Supporting N. County Regional Water District
14. Letter – Atty. Yaw – Re: N. Chaut. Lake Sewer Dist: User Charge Hearing
15. Letter – C/Dunkirk – Re: Seeking Assistance for Dredging and Removal of Weeds in Dunkirk Harbor (Emailed to all Legislators)
16. Letter – Chaut. Lake Partnership – Re-Appt. of Member to the CLMC
17. Agenda & Minutes – STW Regional Planning & Development Board
18. Report – NYS Small Business Development Center – 1/1/2013-3/31/13
19. Minutes – Chaut. Co. Soil & Water Conservation District – June 2013
20. Minutes – Fire Advisory Board – May 2013
21. Letter – Scandinavian Folk Festival – Thanking for Support thru Bed Tax Allocations

22. Letter – Lake Effect Trail Breakers – Requesting Letter of Support for Grant Application for New Groomer
23. Letter – NYS Dept. of State – Ack. Receipt of LL 3-13
24. 2014 Capital Budget & 2015-2019 Capital Plan (In boxes)
25. Cost Allocation Plan

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 06/26/13

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RES. NO. 126-13

Confirm Re-Appointments – North Chautauqua Lake Sewer District Board

By Public Facilities Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the North Chautauqua Lake Sewer District Board has recommended the following re-appointments; therefore be it

RESOLVED, That the following individuals be re-appointed as members of the Board of Directors of the North Chautauqua Lake Sewer District Board:

James H. Loutzenhiser  
4956 Lake Avenue  
Mayville, N.Y. 14757  
Term Expires: 12/31/17

Ronald R. McDonald  
80 Valley Street  
Mayville, N.Y. 14757  
Term Expires: 12/31/18

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – July 24, 2013

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RES. NO. 127-13

Confirm Re-Appointments – Portland-Pomfret-Dunkirk Sewer Districts

By Public Facilities Committee:  
At the Request of Chairman Frank Gould:

WHEREAS, the Portland-Pomfret-Dunkirk (PPD) Sewer District was established as a county sewer district of the County of Chautauqua by Resolution 272-77 of this Legislature; and

WHEREAS, a Board of Directors consisting of seven members was established as an administrative body for the district by Res. 345-77; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby re-appoints the following members to the Portland-Pomfret-Dunkirk Sewer District Board of Directors.

Mr. Thomas Webb – Chmn.  
1 Beach Place  
Fredonia, N.Y. 14063  
Term Expires: 12/31/13

Michael Mathews  
10231 Lakeside Blvd. Ext.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/13

Marlene Webster  
70 Lemming St.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/14

Laura Sarek  
10464 Shore Acres  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/14

Paula Coats  
10432 Shore Acres  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/17

Robert Penharlow  
5125 Shorewood Dr.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/18

Patrick Wheeler  
10427 Shore Acres  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/18

Signed: Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – July 24, 2013

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RES. NO. 128-13  
Confirm Re-Appointment – STOP DWI Advisory 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-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 STOP-DWI Advisory Board:

Patrick J. Flanders I  
P.O. Box 528  
Bemus Point, N.Y. 14712  
Term Expires: 7/31/16

Traffic Safety Board Representative

Ronald Trippy  
6755 South Portage Rd.  
Westfield, N.Y. 14787  
Term Expires: 7/31/16

Traffic Safety Board Representative

Signed: Duff, Wendel, Hemmer, Coughlin

Unanimously Adopted – July 24, 2013

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RES. NO. 129-13  
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 re-appointments to the Chautauqua County Traffic Safety Board.

Tim Card  
5282 Washington St.  
Ashville, N.Y. 14710  
Term Expires: 7/31/16

Patrick J. Flanders I  
PO Box 528  
Bemus Point, N.Y. 14712  
Term Expires: 7/31/16

Joseph Gerace  
235 Hunt Rd.  
Jamestown, N.Y. 14701  
Term Expires: 7/31/16

Chief Bradley Meyers  
9-11 Church St.  
Fredonia, N.Y. 14063  
Term Expires: 7/31/16

Chief David Ortolano  
342 Central Ave.  
Dunkirk, N.Y. 14048  
Term Expires: 7/31/16

Patricia A. Fincher  
2862 Donelson Rd.  
Jamestown, N.Y. 14701  
Term Expires: 7/31/16

Michael Formanowicz  
415 E. Main St.  
Fredonia, N.Y. 14063  
Term Expires: 7/31/16

Chief Harry Snellings  
201 East 2<sup>nd</sup> St.  
Jamestown, N.Y. 14701  
Term Expires: 7/31/16

Ronald Trippy  
6755 South Portage Rd.  
Westfield, N.Y. 14787  
Term Expires: 7/31/16

Gregory J. Worrell  
645 Stowe St.  
Jamestown, N.Y. 14701  
Term Expires: 7/31/16

Signed: Duff, Wendel, Hemmer, Coughlin

Unanimously Adopted – July 24, 2013

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RES. NO. 130-13

Authorize Lease of Facilities at the Chautauqua County Jamestown Airport

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

WHEREAS, the County Legislature previously authorized a lease of airport facilities at the Chautauqua County Airport at Jamestown to Silver Airways; and

WHEREAS, it is appropriate for the County to approve a new base agreement with Silver Airways since it is beneficial to maintain commuter airline service at the County Airport and such arrangement will enhance airport operations; and

WHEREAS, the Chautauqua County Airport Commission has recommended the approval of air service by Silver Airways with a major connection with United Airlines at the Cleveland Hopkins Airport; and

WHEREAS, the public hearing required by Article 14 of the General Municipal Law has been duly held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the necessary lease agreements with Silver Airways on substantially the following terms and conditions:

1. Premises: Approximately 1,738.5 sq. ft. of office space, counter space, baggage areas and storage space in the Chautauqua County Terminal Building at the County Airport in Jamestown.
2. Rent: Payment of \$ 2,000.00 per month plus \$ 6.00 per flight landing fee.
3. Term: A term beginning October 1, 2012 and ending September 30, 2014.
4. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Borrello, Heenan

Unanimously Adopted – July 24, 2013

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RES. NO. 131-13

Authorize Agreement with Jamestown Advanced Products for Employee Picnic at County Airport – Jamestown

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

WHEREAS, Jamestown Advanced Products has requested authorization to utilize the Chautauqua County Airport at Jamestown on Saturday, August 17, 2013, for their annual employee picnic (Raindate – Sunday, August 18, 2013); and

WHEREAS, the Chautauqua County Airport Commission has recommended that the County Legislature authorize and approve the Employee Picnic; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an agreement with Jamestown Advanced Products for use of County Airport property for its annual employee picnic on the following terms and conditions:

1. Location: Event will be located in the vicinity of the Maintenance Building located on Turner Road in Jamestown.
2. Date: Saturday, August 17, 2013 (Raindate – Sunday, August 18, 2013)
3. Fees: Jamestown Advanced Products will pay the Chautauqua County Airport a fee of \$ 250.00 for this event.
4. Insurance: Appropriate event insurance coverage will be provided.
5. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Wendel

Unanimously Adopted – July 24, 2013

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RES. NO. 132-13

Confirming User Charges: North County Industrial Sewer District No. 1

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Board of Directors of the North County Industrial Sewer District No. 1, the Administrative Body of the North County Industrial Sewer District No. 1, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the North County Industrial Sewer District No. 1; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; therefore be it

RESOLVED, That the *Charges by the North County Industrial Sewer District No. 1* adopted by the Board of Directors of the North County Industrial Sewer District No. 1 as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

### **CHARGES BY THE NORTH COUNTY INDUSTRIAL SEWER DISTRICT NO. 1**

#### **SECTION I - Purpose**

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

#### **SECTION II - Definitions**

As used herein, the following terms shall mean and include:

- A. *District*: North County Industrial Sewer District No. 1, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.
- B. *Administrative Head*: The Administrative Head or body of the North County Industrial Sewer District No. 1 as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.
- C. *User*: The assessed owner of a parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

#### **SECTION III – Charge Area**

Real property within the District shall be classified as all property located within the bounds of the District established by Chautauqua County Legislature Resolution Nos. 302-76 and 388-75, all of which is served by a sewer constructed by the District.

#### **SECTION IV – Calculation of Water Use**

A. Water use shall be calculated using the metered water volume figures established by the municipality providing water service to the District, rounded to the nearest tenth. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer

in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

B. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for purposes of determining the per gallon charge. Such wastewater shall be measured by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District. The sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation, which charge shall be listed separately on a subsequent quarterly sewer charge bill.

#### **SECTION V - Scale of Charges**

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

- A. Per acre charge of \$2.26 per acre of land owned within the District.
- B. Per gallon charge of \$0.00035 per gallon (or \$.35 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined in accordance with Section IV herein.

#### **SECTION VI – Billing**

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by sewers within the District under Section 266 of the County Law by adding the following two items:

- 1. The number of acres attributable to each owner of property multiplied by the charge per acre set forth in Section V A hereof; and
- 2. The actual or estimated water use of such parcel in gallons multiplied by \$0.00035 determined in accordance with Section V B hereof;

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

#### **SECTION VII - Appeals**

Procedures for appeals shall be in accordance with Chautauqua County Legislature Resolution No. 53-13 as the same may be amended from time to time.

**SECTION VIII – Severability**

If any clause, sentence, paragraph, subdivision, section or other part of this Resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this Resolution are hereby declared to be severable.

**SECTION IX - Effective Date**

This law shall be effective August 1, 2013 and shall supersede all prior charge resolutions.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Wendel

Unanimously Adopted – July 24, 2013

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RES. NO. 133-13

Authorize Agreement with Village of Brocton for Enhanced Police Services

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

WHEREAS, the Village of Brocton has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during a portion of the 2013 and 2014 calendar years; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Brocton for the period of June 1, 2013 through December 31, 2014, for an estimated cost not to exceed \$37,400.00, based on an hourly rate of \$35.35 in 2013 and \$37.28 in 2014; therefore be it

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

Signed: Duff, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Himelein

Unanimously Adopted – July 24, 2013

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RES. NO. 134-13

Authorize Execution and Increase Appropriation Accounts for New York State Office of Homeland Security Funding Grant – Bomb Detection

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

WHEREAS, the Chautauqua County Sheriff has been awarded grant funding from the State of New York Office of Homeland Security for the further implementation of bomb detection; and

WHEREAS, the two (2) grant awards are \$78,750.00 each as follows: grant #C174711 and grant #C174721 with no local funds for a contract period from May 14, 2013 to August 31, 2014; and

WHEREAS, the 2013 Chautauqua County budget does not include any funding for these expenditures since the grant became available after the budget was released; therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security, and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.3 Depreciable Equipment - Sheriff Operations	\$130,900
A.3110.----.4 Contractual - Sheriff Operations	26,600

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3110.R438.9BMB Federal Aid: Bomb Detection	\$157,500
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Signed: Duff, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – July 24, 2013

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RES. NO. 135-13

Authorize Execution of the New York State Office of Homeland Security and Emergency Services for Explosive Detection Canine Team Grant

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

WHEREAS, the Chautauqua County Sheriff has received notice that the State of New York approved the application for Office of Homeland Security and Emergency Services Program Grant for a Explosive Detection Canine Team; and

WHEREAS, the State of New York will provide funding in the amount of \$15,000.00 for the initial contract period from May 14, 2013 to August 31, 2014 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate contract for the Office of Homeland Security Program Grant in the initial amount of \$15,000.00 with no local share, and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110. ---.1 Personal Services - Sheriff Operations	\$ 5,500
A.3110. ---.2 Equipment - Sheriff Operations	8,000
A.3110. ---.4 Contractual - Sheriff Operations	1,000
A.3110. ---.8 Fringe Benefits - Sheriff Operations	<u>500</u>
	\$15,000

INCREASE REVENUE ACCOUNTS:

A.3110.R438.9 K9T Federal Aid -Explosive Detection Canine Team	\$15,000
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Signed: Duff, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – July 24, 2013

RES. NO. 136-13  
 Authorize Acceptance of Operation Impact Funds 2013-2014

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

WHEREAS, the office of the District Attorney has successfully applied for and received a grant from the New York State Division of Criminal Justice Services in the amount of \$236,600.00 for the Operation IMPACT Partnership Program for the term from July 1, 2013 to June 30, 2014; and

WHEREAS, the IMPACT X grant is a multi-agency award funded to reduce violent crimes in the primary IMPACT jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the County of Chautauqua will be required to share a portion of the grant funds with the City of Jamestown to the extent of \$92,900.00 in support of its Police Department to reduce violent crime through intelligence-led enforcement strategies; and

WHEREAS, the office of the District Attorney (\$88,000.00), the office of the Chautauqua County Sheriff (\$46,900.00), and the office of Probation (\$8,800.00) will share the balance of such funds; and

WHEREAS, the offices of the District Attorney, Sheriff, and Probation have included a portion of these grant funds in the 2013 budget with the balance to be included in the 2014 budget; therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Impact X Grant contract with the New York State Division of Criminal Justice Services in the amount of \$236,600.00 for the term from July 1, 2013 to June 30, 2014; and be it further

RESOLVED, That the County Executive is hereby authorized to execute an appropriate agreement with the City of Jamestown consistent with the grant requirements and project goals.

Signed: Duff, Wendel, DeJoe, Coughlin, Hemmer, Runkle, Nazzaro, Himelein

Unanimously Adopted – July 24, 2013

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RES. NO. 137-13  
 Authorize Agreement with Law Enforcement Agencies for Reimbursement Under Operation Stonegarden

By Public Safety Committee:  
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Sheriff's Office has successfully obtained grant funding from N.Y.S. Division of Homeland Security under Operation Stonegarden; and

WHEREAS, part of the requirement is shared partnerships with other law enforcement agencies and a portion of the funding is to be shared by participating agencies for allowable expenses; and

WHEREAS, the following agencies will be participating with Sheriff's Office in Operation Stonegarden:

New York State Police  
 New York State Park Police  
 New York State Department of Environmental Conservation  
 Dunkirk Police Department  
 Town of Ellicott Police Department  
 Lakewood-Busti Police Department, and

WHEREAS, the Sheriff's Office is the lead agency and required to distribute the funding appropriately, now therefore be it

RESOLVED, That the County Executive is authorized to execute agreements with the participating law enforcement agencies under the guidelines of Operation Stonegarden.

Signed: Duff, Wendel, Hemmer, Coughlin

Unanimously Adopted – July 24, 2013

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RES. NO. 138-13

Authorizing Contract for 2014 Administration of Chautauqua County Self-Insurance Plan

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

BE IT HEREBY RESOLVED, That the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during the year 2014, and be it further

RESOLVED, That the consideration of this contract be in the amount of One Hundred Thirty-Six Thousand Eight Hundred Seventy One Dollars (\$136,871) for the 2014 year, and to include personnel services and office expenses, and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Wendel, Himelein

Unanimously Adopted – July 24, 2013

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RES. NO. 139-13

Participant's Share of 2014 Chautauqua County Self-Insurance Plan Costs

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

RESOLVED, That pursuant to the Workers' Compensation Law and Local Law No. 4, Chautauqua County, New York 1984, as amended, the following amounts shall be apportioned, in 2014 to each participant based on forty percent (40%) of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) on the loss percentile experience of the participants as provided in said plan and by the Workers' Compensation Law, and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2014.

Towns					
Arkwright		\$45,495.67	Harmony		\$33,284.89
Busti		\$63,561.24	Kiantone		\$21,066.53
Carroll		\$25,024.01	Mina		\$36,629.19
Charlotte		\$11,076.66	N Harmony		\$66,748.59
Chautauqua		\$155,311.99	Poland		\$75,287.88
Cherry Creek		\$15,978.23	Pomfret		\$61,161.69
Clymer		\$10,615.84	Portland		\$45,154.02
Dunkirk		\$27,593.18	Ripley		\$25,174.71
Ellery		\$99,518.08	Sheridan		\$53,681.11
Ellicott		\$152,250.46	Sherman		\$8,028.96
Ellington		\$9,861.99	Stockton		\$25,036.76
French Creek		\$17,131.74	Villanova		\$14,492.69
Gerry		\$10,649.34	Westfield		\$23,460.19
Hanover		\$76,847.90			
Villages / Cities					
Bemus Point		\$10,083.70	Mayville		\$19,024.51
Brocton		\$12,356.37	Panama		\$2,075.16
Cassadaga		\$6,318.45	Sherman		\$3,761.23
Celoron		\$5,927.73	Silver Creek		\$62,870.06
Cherry Creek		\$1,821.63	Sinclairville		\$2,494.89
Falconer		\$18,217.81	Westfield		\$90,010.79
Forestville		\$3,164.49			
Fredonia		\$198,598.01	Dunkirk (City)		\$268,588.56
Lakewood		\$35,362.64	Jamestown (City)		\$972,260.56
Chautauqua County		\$2,276,939.89			

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Wendel, Himelein

Unanimously Adopted – July 24, 2013

## RES. NO. 140-13

## Setting Compensation for Chautauqua County Election Inspectors and Poll Site Coordinators

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

WHEREAS, the State Legislature has amended the Election Law and made substantive and procedural changes affecting the conduct and administration of the elective process in the State of New York; and

WHEREAS, pursuant to Resolution Nos. 29-06 and 72-09, the rate of pay for Chautauqua County Election Inspectors and Poll Site Coordinators was set by the County Legislature at \$8.00 per hour, with additional stipends for a single Election Inspector designated at each poll site as Poll Site Coordinator of \$25.00 per poll site and \$5.00 for each election district (other than the first one) at the poll site; and

WHEREAS, the Board of Elections has recommended modifications to the compensation of Election Inspectors and Poll Site Coordinators due to upcoming changes in New York State's minimum wage; therefore be it

RESOLVED, That the rate of pay of Election Inspectors shall remain at \$8.00 per hour, but shall be increased as of January 1, 2014 and thereafter to conform to the applicable minimum wage as required by either federal or State minimum wage laws; and be it further

RESOLVED, That the rate of pay for Poll Site Coordinators for general elections shall be \$10.00 per hour to include travel time without any mileage reimbursement, with additional stipends of \$25.00 per poll site and \$5.00 for each election district (other than the first one) at the poll site; and be it further

RESOLVED, That the rate of pay for Poll Site Coordinators for Village elections, School elections, primary elections, and/or consolidated elections shall be \$10.00 per hour to include travel time without any mileage reimbursement, but there shall be no additional poll site or election district stipends.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, Nazzaro, DeJoe, Wendel, Himelein

Unanimously Adopted – July 24, 2013

## RES. NO. 141-13

## Authorize Transfer of Tax Foreclosure Properties to Chautauqua County Land Bank Corporation

By Administrative Services Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State; and

WHEREAS, New York State's land bank legislation was enacted to address the negative impacts of distressed or at-risk structures and abandoned vacant property in New York's communities; and

WHEREAS, pursuant to Resolutions 149-12 and 201-12, the County transferred six (6) tax foreclosure properties to the Chautauqua County Land Bank Corporation in its first year (2012), and

also authorized the direct transfer of seven (7) vacant tax foreclosure parcels to neighboring landowners; and

WHEREAS, the second year plan for the Land Bank includes provision for the County transferring at least twelve (12) tax foreclosure properties to the Land Bank; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties containing distressed or at risk structures to the Chautauqua County Land Bank Corporation for the purchase price of \$1.00 and upon such other terms and conditions negotiated by the County Executive:

City/Town	Village	Parcel ID Number	Property Location
City of Dunkirk		060300-79.14-3-24	101 Park Ave
City of Dunkirk		060300-79.14-8-16	423 Swan St
City of Dunkirk		060300-79.20-7-55	233 Lincoln Ave
City of Jamestown		060800-370.15-3-9	141 Beechview Ave
City of Jamestown		060800-370.16-2-37	241 Clyde Ave
City of Jamestown		060800-370.19-2-15	1115 Prendergast
City of Jamestown		060800-387.17-1-34	1309 Newland Ave
City of Jamestown		060800-387.39-1-56	76 Fairmount Ave
Stockton	Village of Cassadaga	066801-182.17-1-37	36 N Main St
Westfield	Village of Westfield	067201-192.20-2-54	39 N Portage St
Westfield	Village of Westfield	067201-192.20-4-28	12 Union St
Westfield	Village of Westfield	067201-193.17-2-35	25 Academy St

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

Adopted – R/C Vote: 21 Yes; 3 No; 1 Absent – ( Legislators Runkle, Scudder, Stewart voting "no") – July 24, 2013

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RES. NO. 142-13  
Amend Chautauqua County Purchasing Policy

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

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a purchasing policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, and 124-09; and

WHEREAS, the dollar thresholds for competitive bidding pursuant to Section 103 of the GML have been raised from \$10,000 to \$20,000 for the purchase of goods, and from \$20,000 to \$35,000 for contracts for public work and services; and

WHEREAS, it is appropriate that the dollar thresholds in the County's purchasing policy be similarly updated as they have remained unchanged since 1992; and

WHEREAS, it is also appropriate that the listing of individuals with purchasing authority also be updated; therefore be it

RESOLVED, That the County Purchasing policy established by Resolution 182-92, as amended by Resolutions 268-93, 171-94, and 124-09, is hereby amended as follows:

1. Procedure. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with competitive bidding requirements, under the general supervision of the Department of Finance, Division of Purchasing. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding was not required by law. To the extent practical, the County shall acquire goods and services from Chautauqua County businesses and select goods and services which provide the least possible negative impact on the environment. Priority consideration shall be given to clean, energy-efficient, electric, hybrid or clean renewable fuel vehicles when purchasing new County vehicles.

2. Alternative Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be secured by use of written requests for proposals (RFPs) and written, or faxed, or e-mail quotations from at least three vendors for procurements of services expected to exceed ~~\$20,000~~ \$5,000 in value; written, faxed, or e-mail ~~verbal~~ quotations from at least three vendors shall be secured for procurements of goods and services expected to be between ~~\$1,000 and \$5,000~~ and \$20,000; and procurements of goods and services under ~~\$1,000~~ \$5,000 shall be within the discretion of the Department Head, subject to the advice of the Division of Purchasing. Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or Procurement Card statement submitted to the Division of Purchasing or the contract request form or Agreement of Service submitted to the Law Department.

In the event that the procurement is from a State contract bid; general services administration schedule seventy, information technology and consolidated schedule contracts; involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; involves professional services; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from an agency for the blind or severely handicapped or involves goods made in a correctional institution; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth above a ~~solicitation of alternative quotes~~ would not be in the best interest of the County shall accompany the purchase order, contract request form, Agreement of Service or Procurement Card statement and shall be subject to review by the Division of Purchasing and/or the Law Department.

3. Credit Card Usage. Procurement Credit Cards, hereinafter referred to as credit cards, obtained through the Finance Department, can be used to make payments for purchases of goods not exceeding \$1,000 in value when prior approved by the Department Head and consistent with the direction provided by the Deputy Director of Purchasing. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholder, and are not re-assignable for use by other employees. The Cardholder to whom the credit card is assigned is responsible for the reimbursement to the County for cost incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card to the extent such cost was within the Cardholder's control. The credit card is expressly not authorized to pay for the procurement of services unless specifically authorized by the Deputy Director of Purchasing. Procurements paid for with a credit card shall be subject to all applicable State and Local procurement laws. The credit cards will have a monthly limitation of \$5,000, unless requested by the Department Head that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements, and a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder make authorization, without the direct supervision of the Deputy

**Deletion Indicated by Strikethrough, Underline Indicates New**

Director of Purchasing, to exceed this \$1,000 limit on a per transaction basis. Cardholders are responsible to obtain a packing slip for all purchases paid for by credit card, reconcile with the cardholders monthly credit statement and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. The Department Head responsible for the approval of all procurements paid for by their respective Cardholders will sign the monthly credit statements as an indication that all purchases were authorized by the Department Head. Any unauthorized purchases or billing errors should be noted immediately by the Cardholder and a request be made to the vendor for a credit. In the event the vendor does not cooperate in issuing a credit when one is due, the Cardholder should contact the Deputy Director of Purchasing and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases nor purchases made for personal use. The Cardholders are responsible to perform an initial audit and reconciliation of their monthly statements and to submit their statements along with the appropriate G/L Account number to be charged in a timely manner such that the bill can be paid to the financing agency prior to the time of any late fees or penalties and the monthly closing of the County's financial statements. The Deputy Director of Purchasing will review the periodic audit reports submitted by the auditors and take the appropriate action necessary to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form.

4. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offerer, the purchase order, contract request form, or Agreement of Service shall be accompanied by written documentation and justification specifying why such award furthers the purposes of this resolution.

5. Individuals with Purchasing Authority. Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the following individuals are identified as having purchasing authority:

#### PURCHASING

DEPARTMENT	NAME	TITLE
Airport	SAMUEL ARCADIPANE	Manager of Airport & Parks
B&G	JOHN BOHALL	General Maintenance Mechanic
B&G	NANCY BURT	Resource Assistant Typist
B&G	RICHARD MARSH	Building Maintenance Mechanic II
B&G	ROBERT BLANCHARD	Carpenter
B&G	THOMAS SWANSON	General Maintenance Mechanic
B&G	WILLIAM HILLIARD	Building Maintenance Mechanic II
BOE	ANTHONY POPIELARZ	Election Poll Site Technician
BOE	BRIAN ABRAM	Commissioner of Elections
BOE	DORIS PARMENT	Elections Administrator
BOE	NORMAN P GREEN	Commissioner of Elections
CARTS	CLINTON PARKER	Mechanic II
CARTS	DONALD COLF	Administrative Aide (19-A Program)
CARTS	GLEN HUTCHINSON	Mechanic II

CARTS	HOLLY JOHNSON	Resource Assistant (CARTS)
CARTS	MICHELE WESTPHAL	Resource Assistant (CARTS)
Clerk Legislature	LORI J FOSTER	Secretary to Legislature
CO Attorney	SHARON ATWELL	Researcher - Typist
CO Attorney	STEPHEN ABDELLA	County Attorney
Co Clerk	BARBARA LUCARIELLO	Motor Vehicle Office Supervisor
Co Clerk	KATHLEEN SWEENEY	Deputy County Clerk - Sub
Co Clerk	SANDRA SOPAK	County Clerk
Co Executive	CARMELLA CATANESE	Secretary to County Executive
County Home	CHRISTINE SWITZER	Account Clerk Typist
County Home	COLLEEN WRIGHT	Budget Director County Home
County Home	JUDY FABRITUS	Account Clerk Typist
County Home	MARK P ROBBINS	Director of Nursing Services
County Home	RHONDA MOORE	Food Service Director
County Home	TIMOTHY HELLWIG	Administrator Chautauqua County Home
County Home	WALTER KOESTER	Senior Building Maintenance Mechanic
DA	BEVERLY LEBARON	Secretary to County Officer (DA)
DA	DAVID FOLEY	District Attorney
DPF	DAN DANKERT	Storekeeper III
DPF	IRENE BERG	Storekeeper II
DPF	REBECCA ANDERSON	Purchasing Clerk
DPF	STEPHEN REXFORD	Supervisor of Airport and Parks
DPF	TRACY FRANCE	Purchasing Agent
HEALTH & HUMAN SERVICES	LINDA KENT	Account Clerk Typist
HEALTH & HUMAN SERVICES	PATRICIA HOOKS	Principal Account Clerk
EMS	DANIEL T IMFELD	Deputy County Fire Coordinator
EMS	DENNIS BARMORE	Deputy County Fire Coordinator
EMS	JULIUS J LEONE JR	Director Emergency Services
EMS	NORMA CUMMINGS	Project Coordinator (Emergency Services)
EMS	PATRICIA COOK	Principal Account Clerk
EMS	ROBERT FRANK	Deputy County Fire Coordinator
Finance	GEORGE CARLSON	Deputy Director Purchasing Audit Specialist
Finance	MARCIA TRAVIS	
Finance	PAMELA THOMSON	Assistant Director Real Property Tax
Health	ANGELA SWARTZMAN	Deputy Public Health Director
Health	CHRISTINE SCHUYLER	Public Health Director
Health	ELIZABETH PHELPS	Administrative Aide Typist
Health	JOANNE TOFIL	Senior Account Clerk Typist
HR	JOSEPH PORPIGLIA	Director Human Resources

ITS	JONATHAN DEANGELO	Chief Information Officer
Landfill	JOHN POTTER	Transfer Station Supervisor
Landfill	KELLY RHINEHART	Operations Manager
Landfill	MICHAEL FELSMAN	Accounting Supervisor
MH	CAROL LOOMIS	Senior Caseworker (Mental Hygiene)
MH	CAROL WRIGHT	Clinic Director Mental Hygiene
MH	CHERYL OQUIST	Senior Caseworker (Mental Hygiene)
MH	CINDY JOHNSON	Account Clerk Typist
MH	JENNIFER C PROPHETER	Senior Caseworker (Mental Hygiene)
MH	JENNIFER SANDERS	Senior Caseworker (Mental Hygiene)
MH	JILL KUEHN	Typist II
MH	KATHLEEN SWANSON	Accounting Supervisor
MH	LESLIE CUSIMANO	Caseworker
MH	MICHELLE MERRITT	Senior Caseworker (Mental Hygiene)
MH	NICHOLE SMITH	Senior Caseworker (Mental Hygiene - Child)
MH	NIKKI CARLBERG	Senior Caseworker (Mental Hygiene)
MH	PATRICIA BRINKMAN	Director Community MH Services
MH	RACHEL LUDWIG	MH Program Coordinator (SPOA - Child)
MH	SHERRY SLAVEY	Senior Caseworker (Mental Hygiene)
MH	STACEY RIVERA	Senior Caseworker (MH-Child)
NCLSD	MATHEW OEHLBECK	Wastewater Maintenance Mechanic
NCLSD	RYAN HARDENBERG	Operator
NCLSD	SCOTT CUMMINGS	Wastewater Maintenance Mechanic II
NCLSD	THOMAS CARLSON	Director NCLSD
OFA	DOLORES FAIRBANKS	Senior Account Clerk
OFA	JANE MORRIS	Caseworker
OFA	NANCY PAPALIA	Community Service Aide
OFA	REBECCA J BLUM	Coordinator of Aging Services
PD	BARBARA TRIMMER	Senior Caseworker
PD	BRIAN TAYLOR	Senior Investigator (PD)
PD	KIM TAYLOR	Secretary to Public Defender
PED	DEBORAH LILIESTEDT	Senior Typist
PED	MARK GEISE	Deputy Director of Planning & Economic Dev.
PED	WILLIAM DALY	Director of Planning & Economic Development
Print Shop	DAVID WATSON	Graphics Technician
Probation	GILBERT TAYLOR	Probation Officer
Probation	LINDA L SHIELDS	Probation Director II
SCCLSD	BRYAN WILSON	Principal Engineering Aide Wastewater
SCCLSD	CHRISTINE HUMPHREY	Laboratory Tech Admin (Wastewater)

SCCLSD	CHRISTOPHER REESE	Wastewater Maintenance Mechanic
SCCLSD	GEORGE GLOSS	Wastewater Treatment Operator
SCCLSD	JOEL R PATTISON	WW Treatment Attendant/Ass't Mechanic
SCCLSD	JOHN PAVLOCK	Engineer II
SCCLSD	LOU ANN PETERSON	Principal Account Clerk
SCCLSD	MARK FRELIGH	General Maintenance Mechanic
SCCLSD	MARK KENT	Mechanic III Utility Worker
SCCLSD	MARSHALL R MINOR	
SCCLSD	MATTHEW ABBEY	WW Treatment Attendant/Ass't Mechanic
SCCLSD	MATTHEW RIBBING	WW Treatment Attendant/Ass't Mechanic
SCCLSD	MISTY BABCOCK	Senior Account Clerk Typist
SCCLSD	RANDALL PETERSON	Director of SCCLSD
SCCLSD	ROBERT BECKER	WW Treatment Attendant/Ass't Mechanic
SCCLSD	THOMAS WALSH	Mechanic III
Sheriff	CHARLES J HOLDER	Undersheriff
Sheriff	DIANNA SUE PRICE	Account Clerk Typist
Sheriff	GAIL THORNTON LOCKE	Accounting Supervisor
Sheriff	JOSEPH GERACE	Sheriff
Sheriff	KATHLEEN DENNISON	Principal Account Clerk
Sheriff	PAMELA FARDINK	Account Clerk Typist

#### TRAVEL

DEPARTMENT	NAME	TITLE
Airport	SAMUEL ARCADIPANE	Manager of Airport & Parks
BOE	BRIAN ABRAM	Commissioner of Elections
BOE	NORMAN P GREEN	Commissioner of Elections
CARTS	HOLLY JOHNSON	Resource Assistant (CARTS)
Co Attorney	STEPHEN ABDELLA	County Attorney
Co Clerk	MICHELLE HENRY	County Historian
Co Clerk	SANDRA SOPAK	County Clerk
Co Executive	GREGORY EDWARDS	County Executive
County Home	COLLEEN WRIGHT	Budget Director County Home
County Home	MARK P ROBBINS	Director of Nursing Services
County Home	SUSAN SCHOBBER	Secretary to Department Head - Administrator
County Home	TIMOTHY HELLWIG	Administrator of Chautauqua County Home
DA	DAVID FOLEY	District Attorney
DA	JOHN ZUROSKI	First Assistant District Attorney
DPF	GEORGE SPANOS	Director Public Facilities

DPF	REBECCA ANDERSON	Purchasing Clerk
HEALTH & HUMAN SERVICES	CARMEN HLOSTA	Director of Certification (MA)
HEALTH & HUMAN SERVICES	JO ANN BARRON	Director of Administrative Services
HEALTH & HUMAN SERVICES	LINDA KENT	Account Clerk Typist
OFA	LINDA SPAULDING	Aging Services Aide
HEALTH & HUMAN SERVICES	MARGARET BASILE JOHNSON	Director of Certification (TA)
HEALTH & HUMAN SERVICES	PATTI ANNE KIRST	Deputy Commissioner of Social Services
HEALTH & HUMAN SERVICES	SHERYL LUDEMANN	Administrative Aide - Typist
EMS	DANIEL IMFELD	Deputy County Fire Coordinator
EMS	JULIUS J LEONE JR	Director Emergency Services
EMS	NORMA CUMMINGS	Project Coordinator (Emergency Services)
EMS	PATRICIA COOK	Principal Account Clerk
Finance	GEORGE CARLSON	Deputy Director Purchasing
Finance	JAMES E CAFLISCH	Director Real Property Tax
Finance	KITTY CROW	Director of Budget
Finance	NANCE G BRANT	Secretary to Finance Director
Finance	SUSAN MARSH	Director of Finance
Health	ANGELA SWARTZMAN	Deputy Public Health Director
Health	CHRISTINE SCHUYLER	Public Health Director
HR	JOSEPH PORPIGLIA	Director of Health and Human Services
HR	KENNETH WESTPHAL	Director Human Resources
ITS	JONATHAN DEANGELO	Senior Personnel Technician
MH	CAROL WRIGHT	Chief Information Officer
MH	JILL KUEHN	Clinic Director Mental Hygiene
MH	KATHLEEN SWANSON	Typist II
MH	PATRICIA BRINKMAN	Accounting Supervisor
MH	RACHEL LUDWIG	Director Community MH Services
NCLSD	MATTHEW OEHLBECK	MH Program Coordinator (SPOA - Child)
NCLSD	SCOTT CUMMINGS	Wastewater Maintenance Mechanic
NCLSD	THOMAS CARLSON	Wastewater Maintenance Mechanic II
OFA	D MARK SMITH	Director NCLSD
OFA	DANA CORWIN	Senior Project Coordinator )Fiscal)
OFA	JANE MORRIS	RPN II
OFA	JENNIFER ELLMAN	Caseworker
OFA	MARYANN SPANOS	Aging Services Aide (LTCOP)
OFA	REBECCA J BLUM	Director of OFA
PD	NATHANIEL L BARONE II	Coordinator of Aging Services
PED	MARK GEISE	Public Defender
		Deputy Director of Planning & Economic Dev.

PED	WILLIAM DALY	Director of Planning & Economic Development
Probation	ELIZABETH RODRIGUEZ	Probation Officer
Probation	GILBERT TAYLOR	Probation Officer
Probation	LINDA L SHIELDS	Probation Director II
Probation	PHILIP EVANS	Senior Probation Officer
Probation	TOBIN DISBRO	Probation Officer
SCCLSD	BRYON WILSON	Principal Engineering Aide Wastewater
SCCLSD	CHRISTINE HUMPHREY	Laboratory Tech Admin (Wastewater)
SCCLSD	CHRISTOPHER REESE	Wastewater Maintenance Mechanic
SCCLSD	JOEL R PATTISON	WW Treatment Attendant/Ass't Mechanic
SCCLSD	JOHN PAVLOCK	Engineer II
SCCLSD	MARK KENT	Mechanic III
SCCLSD	MATTHEW ABBEY	WW Treatment Attendant/Ass't Mechanic
SCCLSD	MATTHEW RIBBING	WW Treatment Attendant/Ass't Mechanic
SCCLSD	RANDALL PETERSON	Director of SCCLSD
SCCLSD	THOMAS WALSH	Mechanic III
Sheriff	CHARLES J HOLDER	Undersheriff
Sheriff	DARRYL BRALEY	Deputy Sheriff Captain
Sheriff	JOSEPH GERACE	Sheriff

#### LOGOS.NET

DEPARTMENT	NAME	TITLE
Airport	Kathy Levandowski	Sr. Acct. Clerk Typist/PT ARFF
CARTS	Cheryl Gustafson	Senior Project Coordinator (Transportation)
CARTS	Paul Abram	Project Coordinator (CARTS)
DPF	Judy Darling	Account Clerk Typist
DPF	Maureen Langebartel	Accounting Supervisor
Clerk Legislature	Becky Cady	Senior Stenographer
Clerk Legislature	Kathy K. Tampio	Clerk of the Legislature
Co Attorney	Kristen Wright	Assistant County Attorney
Co Attorney	Kurt Gustafson	Assistant County Attorney
Co Attorney	Rebecca Davison-March	Assistant County Attorney
Co Attorney	Scott Harley	Assistant County Attorney
Health & Human Services	Sue Barmore	Accounting Supervisor
Health & Human Services	Carol Breakey	Accountant (Social Services)
Health & Human Services	Jo Ann Barron	Director of Administrative Services

Landfill	Panteli Pantelis	Deputy Director Public Facilities (Engineer)
OFA	Dolores Fairbanks	Senior Account Clerk
OFA	Mark Smith	Senior Project Coordinator (Fiscal)
Probation	Carrie Rexford	Principal Account Clerk
Veterans	Douglas Diers	Director of Veteran Services
ITS	Laura Gundlach	Operations Supervisor

and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, DeJoe, Wendel, Nazzaro, Himelein

MOVED by Legislator Himelein, SECONDED by Legislator Whitney to add after consolidated schedule contracts "or other piggybacking contracts authorized by State law".

Unanimously Adopted as amended – July 24, 2013

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RES. NO. 143-13

Authorize Agreement to Implement the New York State Housing Trust Fund Corporations Office of Community Renewal (OCR) Community Development Block Grant (CDBG) – Funded Housing Rehabilitation for Seniors Program and Adjust Necessary Accounts

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

WHEREAS, pursuant to Resolution 88-08, the County Executive is authorized to apply for and execute any agreements necessary to secure CDBG funding; and

WHEREAS, Chautauqua County has been awarded \$400,000 to fund a Housing Rehabilitation for Seniors Program; and

WHEREAS, Chautauqua Home Rehabilitation and Improvement Corporation (CHRIC) is willing and able to administer these programs; and

WHEREAS, the County intends to use CHRIC as a sub-recipient to provide services for these OCR – funded programs; therefore be it

RESOLVED, That the County Executive be authorized to execute an agreement with the New York State Housing Trust Fund Corporation's Office of Community Renewal and all other agreements necessary to implement these program funded by the OCR CDBG; and be it further

**Underlined Indicates New Language**

RESOLVED, That these programs shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2013 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A 6772 ---- 1	Personal Services – Office for the Aging	\$ 10,000
A.6772.----.4	Contractual – Office for the Aging	<u>\$390,000</u>
		\$400,000

INCREASE REVENUE ACCOUNT:

A.6772.----.R477.2000	Federal Aid – Office for the Aging	\$400,000
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Signed: Tarbrake, James, Horrigan, Hoyer, Hemmer, Runkle, Nazzaro, DeJoe, Wendel, Himelein

Unanimously Adopted – July 24, 2013

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RES. NO. 144-13  
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. 44-13; therefore be it

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

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

Offer Number	Munic.	S/B/L	Property Location	Purchaser	Offer Amt.	Taxes Owing
PA-1-2013	C/Dnk	060300-79.11-3-26	200-1/2 Lake Shore Dr E	Andrew J Woloszyn	12500.00	
PA-3-2013	C/Dnk	060300-79.12-1-24	10 Armadillo St	David Serrano	5250.00	9410.67
PA-7-2013	C/Dnk	060300-79.12-5-71	49 Front St	Tara Nicole Buchanan	13000.00	6654.00
PA-8-2013	C/Dnk	060300-79.14-2-24	114 Dove St	James N O'Connell	9500.00	9623.33
PA-10-2013	C/Dnk	060300-79.14-6-68	316-318 Pelican St	Robert S Ehrheart Jr	1200.00	468.42

PA-13-2013	C/Dnk	060300-79.15-5-75	424 Washington Ave	Rafael Burgos	12500.00	12033.50
PA-16-2013	C/Dnk	060300-79.16-7-51	Lord St	Josean Gutierrez	200.00	211.59
PA-21-2013	C/Dnk	060300-79.19-5-19	102 E Seventh St	Cambria Custom Furniture & Real Estate Center Inc	7750.00	4202.22
PA-22-2013	C/Dnk	060300-79.19-5-8	625 Grant Ave	Joseph Reynolds	6500.00	8152.11
PA-24-2013	C/Dnk	060300-79.20-1-44	200 Lincoln Ave	Andrew J Woloszyn	400.00	279513.11
PA-32-2012	C/Dnk	060300-79.20-8-74	79 W Doughty St	Jeffrey A Spring	5000.00	6557.78
PA-28-2013	City of Dunkirk	060300-96.10-1-1	Willowbrook Ave	John Davis Jr	3200.00	4158.76
PA-29-2013	C/Jmst.,	060800-370.03-1-39	Jones&gifford	Giovany J Carmona	1100.00	741.04
PA-30-2013	C/Jmst.,	060800-370.14-4-22	1105 N Main St	Mahendra Basdeo	4500.00	4151.26
PA-31-2013	C/Jmst.,	060800-370.15-1-64	26 Wilson Pl	Frances M Bishop	100.00	2710.97
PA-44-2013	C/Jmst.,	060800-370.18-2-52	W 17Th St	Charles F. Weber	100.00	233.17
PA-45-2013	C/Jmst.,	060800-370.18-2-53	W 17Th St	Charles F Weber	100.00	233.17
PA-46-2013	C/Jmst.,	060800-370.18-2-56	35 W 17Th St	Dustin Turner	3900.00	2821.28
PA-47-2013	C/Jmst.,	060800-370.18-2-57	W 16Th St	Dustin Turner	100.00	173.50
PA-52-2013	C/Jmst.,	060800-370.19-11-48	58-1/2 Bowen St	Salvatore R Liuzzo	5400.00	7730.03
PA-53-2013	C/Jmst.,	060800-370.19-11-49	58 Bowen St	Salvatore R Liuzzo	3600.00	4578.44
PA-384-2013	C/Jmst.,	060800-370.19-11-64	120 Bowen St	Jeffrey A Spring	6000.00	3801.28
PA-59-2013	C/Jmst.,	060800-370.20-3-45	30 Stowe St	Mahendra Basdeo	13000.00	3889.17
PA-61-2013	C/Jmst.,	060800-370.20-6-44	Crescent St	Scott S Stone	100.00	422.35
PA-62-2013	C/Jmst.,	060800-371.09-4-54	Falconer St	Shawn C Duffee	300.00	214.12
PA-63-2013	C/Jmst.,	060800-371.09-4-55	Falconer St	Shawn C Duffee	300.00	214.12
PA-65-2013	C/Jmst.,	060800-371.13-4-19	112 Tiffany Ave	Benjamin J Osman	5180.00	4175.42
PA-66-2013	C/Jmst.,	060800-371.13-4-20	Blackstone Ave	Benjamin J Osman	1820.00	332.68
PA-69-2013	C/Jmst.,	060800-386.12-8-2	375 Fairmount Ave	Silas A Basdeo	8800.00	2745.54
PA-70-2013	C/Jmst.,	060800-386.12-8-3	Fairmount Ave	Silas A Basdeo	1200.00	857.90
PA-71-2013	C/Jmst.	060800-387.06-2-26	314 W 8Th St	Anne E. Nelson	4100.00	1602.60
PA-79-2013	C/Jmst.	060800-387.08-4-51	102 Wescott St	Nicholas Scott Bryant	3300.00	2500.40
PA-59-2012	C/Jmst.	060800-387.08-4-72	Hedges Ave	Adam Pirtz	10.00	175.40
PA-60-2012	C/Jmst.	060800-387.08-4-73	Hedges Ave	Adam Pirtz	40.00	417.63
PA-80-2013	C/Jmst.	060800-387.08-4-8	Barrows St	Shannon E Bessette	75.00	238.04
PA-81-2013	C/Jmst.	060800-387.08-9-39	Barrows St	William Allen Gurnari	200.00	289.94
PA-82-2013	C/Jmst.	060800-387.08-9-40	244 Barrows St	William Allen Gurnari	4100.00	4133.08
PA-83-2013	C/Jmst.	060800-387.08-9-42	248 Barrows St	Paul F Rizzo	75.00	2183.94
PA-66-2012	C/Jmst.	060800-387.08-9-68	524 Allen St	Adam Pirtz	25.00	175.40
PA-84-2013	C/Jmst.	060800-387.08-9-77	558 Allen St	Raymond Lamont Pryce	300.00	1104.07

PA-85-2013	C/Jmst.	060800-387.09-1-16	Fairmount Ave	Melissa A Uber	300.00	308.85
PA-86-2013	C/Jmst.	060800-387.09-1-17	Fairmount Ave	Melissa A Uber	100.00	195.20
PA-87-2013	C/Jmst.	060800-387.09-1-18	283 Fairmount Ave	Melissa A Uber	17600.00	9659.36
PA-88-2013	C/Jmst.	060800-387.09-2-56	34 Catlin Ave	James Rauh	16500.00	8095.34
PA-89-2013	C/Jmst.	060800-387.09-7-11	322 Steele St	David D Fuller	2900.00	2640.69
PA-90-2013	C/Jmst.	060800-387.12-1-14	Allen St	Raymond Lamont Pryce	10.00	233.17
PA-91-2013	C/Jmst.	060800-387.12-1-33	329 Allen St	Anthony Charles	600.00	971.47
PA-92-2013	C/Jmst.	060800-387.12-1-34	325 Allen St	Anthony Charles	3150.00	4949.68
PA-93-2013	C/Jmst.	060800-387.12-1-4	40 Winsor St	Giovany J Carmona	22700.00	48495.02
PA-94-2013	C/Jmst.	060800-387.12-1-5	20 Willard St	Giovany J Carmona	300.00	668.58
PA-95-2013	C/Jmst.	060800-387.12-1-8	Allen St	Shannon E Bessette	500.00	2183.12
PA-96-2013	C/Jmst.	060800-387.12-2-10	169 Barrows St	David D Fuller	25.00	801.16
PA-68-2012	C/Jmst.	060800-387.12-2-12	Barrows St	David D Fuller	10.00	364.35
PA-97-2013	C/Jmst.	060800-387.12-2-13	Barrows St	David D Fuller	10.00	346.79
PA-98-2013	C/Jmst.	060800-387.12-2-14	151 Barrows St	David D Fuller	10.00	725.38
PA-99-2013	C/Jmst.	060800-387.12-2-29	19 Barrows St	Raymond Lamont Pryce	4000.00	2429.13
PA-100-2013	C/Jmst.	060800-387.12-2-33	Barrows St	Donald F Daniels	50.00	271.18
PA-101-2013	C/Jmst.	060800-387.12-2-53	316 Allen St	David A Brown	450.00	1387.86
PA-102-2013	C/Jmst.	060800-387.12-2-54	Allen St	David A Brown	50.00	233.17
PA-103-2013	C/Jmst.	060800-387.12-2-56	330 Allen St	Taylor P Bennett	25.00	1387.86
PA-104-2013	C/Jmst.	060800-387.12-2-70	Allen St	Shannon E Bessette	100.00	233.17
PA-105-2013	C/Jmst.	060800-387.12-2-71	450 Allen St	Shannon E Bessette	4400.00	4188.83
PA-106-2013	C/Jmst.	060800-387.12-3-19	108 Tower St	Ryan J Rivera	4000.00	3849.16
PA-107-2013	C/Jmst.	060800-387.12-4-38	66 Ellicott St	Salvatore R Liuzzo	4750.00	3057.62
PA-108-2013	C/Jmst.	060800-387.12-5-49	52 Pearl Ave	Eric W Anderson	21500.00	2023.19
PA-109-2013	C/Jmst.	060800-387.12-5-60	Cedar Ave	Anthony Loverme	50.00	463.52
PA-110-2013	C/Jmst.	060800-387.12-8-25	English St	Daniel R Johnson	300.00	1482.67
PA-111-2013	C/Jmst.	060800-387.12-8-53	Holman St	Daniel J Caffisch	25.00	463.52
PA-113-2013	C/Jmst.	060800-387.13-3-32	322 Palmer St	Adnan Faridi	15500.00	5627.28
PA-115-2013	C/Jmst.	060800-387.13-8-2	Norton Ave	Gary Carlson	25.00	318.56
PA-116-2013	C/Jmst.	060800-387.13-8-3	Norton Ave	Gary Carlson	25.00	318.56
PA-117-2013	C/Jmst.	060800-387.14-10-2	229 Forest Ave	James Rauh	10000.00	23021.77
PA-119-2013	C/Jmst.	060800-387.14-10-7	26 Linden Ave	Anne E Nelson	23000.00	4713.10
PA-121-2013	C/Jmst.	060800-387.14-4-18	8 Morton St	Gisela Cordero	900.00	5079.60
PA-122-2013	C/Jmst.	060800-387.14-8-6	105 Mckinley Ave	Matthew Williams	9000.00	8030.75
PA-125-2013	C/Jmst.	060800-387.15-5-2	Shaw Ave	Dennis M Sheehan	25.00	706.39
PA-126-2013	C/Jmst.	060800-387.15-7-42	347.5 Foote Ave	Ryan J Rivera	1050.00	2997.10

PA-127-2013	C/Jmst.	060800-387.15-7-43	345.5 Foote Ave	Ryan J Rivera	290.00	1233.18
PA-128-2013	C/Jmst.	060800-387.15-9-13	50 Hazzard St	Gisela Cordero	15500.00	6517.69
PA-129-2013	C/Jmst.	060800-387.16-2-66	71 Ellicott St	Rae A Potter	13000.00	8786.92
PA-131-2013	C/Jmst.	060800-387.18-5-61	326 Forest Ave	Rosario A Donisi	22500.00	9534.59
PA-134-2013	C/Jmst.	060800-387.19-6-25	189.5 Cole Ave	Rae A Potter	7000.00	6727.17
PA-136-2013	C/Jmst.	060800-387.19-8-44	118 Cole Ave	Chad M Laska	15000.00	6594.18
PA-94-2012	C/Jmst.	060800-387.25-2-12	Fulton St	David M Sapio	5.00	198.55
PA-138-2013	C/Jmst.	060800-387.26-3-19	E 7Th St	Sandra Carson	20.00	233.17
PA-139-2013	C/Jmst.	060800-387.26-3-20	E 7Th St	Sandra Carson	20.00	233.17
PA-140-2013	C/Jmst.	060800-387.26-3-21	E 7Th St	Sandra Carson	20.00	214.12
PA-141-2013	C/Jmst.	060800-387.26-3-32	641 E 6Th St	Enrique Torres-Baez	30.00	1208.45
PA-144-2013	C/Jmst.	060800-387.32-1-49	216 W 7Th St	Salvatore R Liuzzo	4000.00	5836.90
PA-145-2013	C/Jmst.	060800-387.32-2-5	19 W 8Th St	CHRIC	8000.00	2669.44
PA-146-2013	C/Jmst.	060800-387.34-1-30	Lincoln St	CHRIC	400.00	384.74
PA-147-2013	C/Jmst.	060800-387.34-1-31	116 Lincoln St	CHRIC	4600.00	2807.88
PA-148-2013	C/Jmst.	060800-387.34-2-17	559 E 2Nd St	Taylor P Bennett	50.00	3324.88
PA-151-2013	C/Jmst.	060800-387.39-2-5	51 Fairmount Ave	Taylor P Bennett	4000.00	7661.37
PA-152-2013	C/Jmst.	060800-387.39-2-51	15 West End St	Renee Beardsley	1000.00	1285.40
PA--277-2011	C/Jmst.	060800-387.42-3-8	208 Chandler St	John Siggins	10.00	3214.81
PA-158-2013	C/Jmst.	060800-388.05-3-29	327 Willard St	Royal Housing LLC	10000.00	6594.18
PA-161-2013	C/Jmst.	060800-388.09-1-8	386 Willard St	Juan Pacheco Jr	9000.00	4322.26
PA-162-2013	C/Jmst.	060800-404.06-6-4	Cole Ave	Kim M Pantojas	3200.00	365.82
PA-163-2013	C/Jmst.	060800-404.06-6-5	Cole Ave	Kim M Pantojas	3200.00	346.79
PA-164-2013	C/Jmst.	060800-404.07-3-19	S Main St	Ted A Henry	925.00	216.66
PA-165-2013	C/Jmst.	060800-404.07-3-20	S Main St	Ted A Henry	925.00	1805.67
PA-167-2013	Arkwright	062000-150.00-2-20	9007 Putnam Rd	Howard A Brown	3250.00	3331.66
PA-175-2013	V/Lkwd.	062201-386.05-4-29	Miller Ave	Michael A Wissman	600.00	342.52
PA-176-2013	V/Lkwd.	062201-386.05-4-30	Miller Ave	Michael A Wissman	600.00	342.52
PA-177-2013	V/Lkwd.	062201-386.05-4-31	103 Miller Ave	Michael A Wissman	17100.00	4418.25
PA-178-2013	V/Lkwd.	062201-386.05-4-32	Miller Ave	Michael A Wissman	600.00	342.52
PA-179-2013	V/Lkwd.	062201-386.05-4-33	Miller Ave	Michael A Wissman	600.00	342.52
PA-182-2013	Busti	062289-419.00-1-15	Big Tree Sugar Grove	Stephen Reed	25.00	297.16
PA-191-2013	Carroll	062400-423.06-2-10	75 Falconer St	Carrie C Blitz	15000.00	7910.41
PA-193-2013	Carroll	062400-423.09-1-45	45 Institute St	Lawrence P Tompkins	10750.00	5147.54
PA-196-2013	Carroll	062400-459.00-1-16	214 Robbin Hill Rd	J-High Acres	35500.00	9004.66
PA-198-2013	Charlotte	062689-251.00-1-8	2500 Johnson Rd	Bradley David Troutner	12000.00	3006.27
PA-201-2013	V/ Mayville	062801-262.07-3-49	Valley St	Carrie L Spontaneo	425.00	439.22

PA-202-2013	V/ Mayville	062801-262.15-1-7	89 Morris St	Donna L Speagle	5000.00	6142.90
PA-206-2013	V/Cherry Ck.	063001-237.11-1-61	620 Southside Ave W	Michael D Seivert	3500.00	4897.82
PA-207-2013	V/Cherry Ck.	063001-237.11-2-15	679 Southside Ave	William T Johnston	6000.00	3895.97
PA-208-2013	V/Cherry Ck.	063001-237.11-2-23.2	631 Southside Ave W	Kelly Rhinehart	3000.00	4973.85
PA-209-2013	V/Cherry Ck.	063001-237.12-1-37	584 Southside Ave	Tammy Marie Utley	3500.00	3517.16
PA-210-2013	V/Cherry Ck.	063001-237.12-1-49	East Center St	Lisa A Emke	13000.00	8119.68
PA-211-2013	Cherry Creek	063089-219.00-1-46	7570 Farrington Hollow Rd	Matthew K Bromberg	8500.00	3953.97
PA-214-2013	T/Dnk.	063400-63.03-1-17	3689 E Lake Rd	Walter J Doyle IV	40250.00	7319.68
PA-215-2013	T/Dnk.	063400-96.04-1-56	Bennett Rd	Maria E Ramos	600.00	234.97
PA-219-2013	V/Celoron	063801-369.18-1-37	W Burtis St	Nationstar Mortgage	1500.00	1153.00
PA-220-2013	V/Celoron	063801-369.19-1-32	55 Melvin Ave	Robert A Storms	9500.00	6450.87
PA-225-2013	V/Falconer	063803-371.11-3-48	112 Lister Ave	Brian L Hoitink	1900.00	3315.66
PA-227-2013	Ellicott	063889-371.12-2-64	Delaware Ave	Steven L Cybart	300.00	227.76
PA-228-2013	Ellicott	063889-371.12-2-65	Delaware Ave	Steven L Cybart	300.00	227.76
PA-229-2013	Ellicott	063889-371.12-2-67	Delaware Ave	Lawrence E Dupere	25.00	1004.49
PA-230-2013	Ellicott	063889-371.12-2-68	Delaware Ave	Lawrence E Dupere	25.00	227.76
PA-233-2013	Ellicott	063889-386.10-3-32	Price Ave	Melissa A Uber	550.00	479.95
PA-234-2013	Ellicott	063889-386.10-3-33	Price Ave	Melissa A Uber	550.00	1239.59
PA-235-2013	Ellicott	063889-386.10-3-34	Price Ave	Melissa A Uber	550.00	1448.25
PA-236-2013	Ellicott	063889-386.10-3-35	Price Ave	Melissa A Uber	550.00	1461.18
PA-237-2013	Ellicott	063889-386.10-3-43	115 S Alleghany Ave	Melissa A Uber	24800.00	16816.02
PA-239-2013	Ellicott	063889-388.06-2-71	Summit Blvd	Gregory Palmer	25.00	266.56
PA-240-2013	Ellicott	063889-388.06-2-72	Summit Blvd	Gregory Palmer	25.00	266.56
PA-241-2013	Ellington	064000-271.00-1-74	5406 Thornton Rd	Charles R Cannon	9500.00	1410.89
PA-247-2013	Gerry	064489-268.00-2-46	2867 Nobles Rd	Mark A Risley	6250.00	759.86
PA-257-2013	V/Forestville	064601-100.09-1-10	16 Pearl St	Joseph Brown	10000.00	7610.26
PA-259-2013	V/Sil. Crk.	064603-32.17-5-13	207 Central Ave	Laurie Bifaro	1250.00	17660.33
PA-260-2013	V/Sil. Crk.	064603-32.18-2-18	1 Porter Ave	Vincent E Tundo	8500.00	7691.68
PA-261-2013	V/Sil. Crk.	064603-32.18-2-36	27A Buffalo St	Robert Mangus, Jr.	500.00	4854.47
PA-263-2013	V/Sil. Crk.	064603-32.18-7-17	259 Central Ave	Jack P Kujawa	7500.00	9902.10
PA-264-2013	V/Sil. Crk.	064603-49.05-3-31	13 Knight St	Debra A Mancuso	14500.00	37724.74
PA-268-2013	Hanover	064689-102.00-1-12	10879 County Line Rd	Rodney J Haskins	8000.00	6548.00
PA-272-2013	Hanover	064689-33.00-1-21	0 Alleghany Rd	Stephen Reed	400.00	318.05
PA-274-2013	Hanover	064689-85.00-1-12	121 King Rd	David M Rowell	500.00	1117.99
PA-275-2013	V/Panama	064801-398.02-1-46	Co Rd 613	Cody E Eddy	600.00	396.05

PA-277-2013	Harmony	064889-383.04-1-14	Spooner Rd	David Beers	750.00	391.77
PA-278-2013	Harmony	064889-398.00-2-10	Co Rd 10	Cody E. Eddy	7750.00	1018.38
PA-279-2013	Harmony	064889-398.00-2-11	Co Rd 10	Benjamin J Osman	6500.00	1300.90
PA-284-2013	Harmony	064889-418.00-1-5.6	Demmings @ Hoag Roads	Kenneth A Davis	1700.00	408.91
PA-229-2012	Mina	065200-342.00-1-37	9948 Rt 430	Abe Miller	35000.00	2484.07
PA-295-2013	N. Harmony	065400-383.00-2-12	5179 Spooner Rd	David Beers	11750.00	1534.96
PA-296-2013	N. Harmony	065400-384.10-1-6	Stoneledge Rd	James Constantino	300.00	360.09
PA-297-2013	N. Harmony	065400-384.10-1-7	4915 Stoneledge Rd	James Constantino	2000.00	1987.97
PA-298-2013	Poland	065600-355.00-3-42	1272 W Nys Rt 394	George Fuller	1000.00	1751.88
PA-299-2013	Poland	065600-374.00-2-22	Page Rd	Michael W Wagner	8500.00	828.18
PA-303-2013	V/Fredonia	065801-113.11-3-51	201 Newton St	Philip Arcoraci	16500.00	12765.64
PA-304-2013	V/Fredonia	065801-113.13-2-34	Pulaski St	Eleanor Fiegl-bartlett	25.00	421.34
PA-307-2013	Pomfret	065889-112.00-2-44	10256 Wilbur Rd	Lori Lisa	14000.00	5149.31
PA-308-2013	Pomfret	065889-112.08-1-1	Chestnut Rd	Lori A Willeford	700.00	851.92
PA-309-2013	Pomfret	065889-148.00-1-11	9471 Brainard Rd	Robert Wayne Bender Jr	44000.00	35638.28
PA-311-2013	Village of Brocton	066001-144.20-2-1	85 Central Ave	Danielle L Hammer	10500.00	8422.85
PA-320-2013	Portland	066089-160.00-3-31	E Forest Ave	Donald C. Stoll	10400.00	1958.91
PA-321-2013	Portland	066089-160.00-3-32	E Forest Ave	Donald C. Stoll	600.00	264.42
PA-322-2013	Portland	066089-161.00-2-33.1	8445 Fay St	Charles E. Kelley Jr	57000.00	26737.38
PA-323-2013	Portland	066089-161.00-3-30	Ellicott Rd	Joseph F McMaster	2100.00	1459.99
PA-324-2013	Portland	066089-161.10-1-51	Rt 20	Curtis Merle	200.00	206.72
PA-325-2013	Portland	066089-161.10-1-52	6465 Rt 20	Curtis Merle	15800.00	8188.61
PA-327-2013	Portland	066089-177.00-2-50	6827 Webster Rd	David D Kapple	1100.00	3342.48
PA-329-2013	Portland	066089-179.00-1-71	8291 Rt 380	William T Johnston	6500.00	7876.43
PA-330-2013	Portland	066089-194.00-1-39	Finley Rd	Lake Erie Vista LLC	17000.00	1186.41
PA-331-2013	Ripley	066200-208.10-3-17	Sixth Ave	Alicia J Foster	25.00	213.82
PA-333-2013	Ripley	066200-240.12-3-10	58 W Main St	Cynthia M Casale	2000.00	4138.87
PA-334-2013	Ripley	066200-240.16-1-1	122 W Main St	Alton L Crossman	3600.00	1279.59
PA-335-2013	Ripley	066200-240.16-2-23	15 Goodrich St	Dale L Edmiston	4000.00	6507.04
PA-341-2013	Ripley	066200-290.00-1-11	10578 NE Sherman Rd	Carol Schermerhorn	2900.00	2689.65
PA-344-2013	Sheridan	066400-65.00-2-26	2490 Rt 20	Brandon D Mahle	8000.00	2188.11
PA-347-2013	Sheridan	066400-82.00-4-31.3	Walnut Rd	Dewitt Joseph Chamberlin Jr	10000.00	1399.12
PA-360-2013	Stockton	066889-231.00-1-8	Barnes Rd	Trevor John Meder	41000.00	3370.83
PA-361-2013	Stockton	066889-249.00-1-30	S Stoc-Cass Rd	Michael W Wagner	48000.00	5666.76

PA-362-2013	Stockton	066889-250.00-1-9	Rt 60 rear	Robert G White	1000.00	652.36
PA-363-2013	Villanova	067000-135.07-1-13	Hill Dr	David R Yaple	14500.00	3889.59
PA-364-2013	Villanova	067000-168.20-1-21	Route 83	Terry L Piccolo	1100.00	2410.22
PA-365-2013	Villanova	067000-168.20-1-6	1110 Butcher Rd	Stephen C Lindquist	7000.00	1464.90
PA-372-2013	Westfield	067289-192.00-1-9	8570 W Lake Rd	Adam Pirtz	1100.00	1594.36
PA-377-2013	Westfield	067289-193.10-2-12	7561 E Main Rd	Daniel L Scriven	11000.00	28433.50
PA-378-2013	Westfield	067289-208.06-3-18	Tenth Ave (Shorehaven)	Jeff Paul Urraro	650.00	588.50
PA-379-2013	Westfield	067289-208.06-3-19	Tenth Ave (Shorehaven)	Jeff Paul Urraro	650.00	588.50
PA-381-2013	Westfield	067289-226.00-2-33	6487 Mt Baldy Rd	Larry A Jackson	81000.00	33062.29

Totals 1228560.00 1080034.82

Signed: Scudder, Tarbrake, Barmore, Cornell (A.S. DeJoy voting "no")

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent – July 24, 2013

RES. NO. 145-13

A Resolution Authorizing the Design, Permitting, Surveys, Planning and other Preliminary Studies Including SEQR Compliance in Connection with the Construction of a Public Facilities Maintenance Facility, in and for the County of Chautauqua, New York, at a Total Maximum Estimated Cost of \$250,000, and Authorizing the Issuance of \$250,000 Bonds of Said County to Pay the Cost Thereof

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

BE IT RESOLVED, by 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 design, permitting, surveys, planning and other preliminary studies including SEQR compliance in connection with the construction of a public facilities maintenance facility to be located in the Village of Falconer, in and for the County of Chautauqua, New York, is hereby authorized in and for said County at a maximum estimated cost of \$250,000.

Section 2. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is five years, pursuant to subdivision 62nd(2nd) of paragraph a of Section 11.00 of the Local Finance Law.

Section 3. The plan for the financing of the aforesaid object or purpose consists of the issuance of \$250,000 bonds of said County, hereby authorized to be issued therefor pursuant to the provisions 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 irrevocable 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.

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: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Wendel

Adopted – R/C Vote: 22 Yes; 2 No; 1 Absent ( Legislators Rogers, Stewart voting “no”) – July 24, 2013

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LOCAL LAW  
INTRODUCTORY NO. 9-13  
CHAUTAUQUA COUNTY

A LOCAL LAW PROHIBITING THE USE OF TOBACCO, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, AND HERBAL CIGARETTES ON ALL REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF CHAUTAUQUA

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

Section 1. Purpose.

The use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes on real property owned or leased by the County of Chautauqua is prohibited in order to:

- a. protect the public health, safety and general welfare by eliminating exposure to secondhand smoke;
- b. acknowledge the need of non-smokers, especially children, to breathe smoke-free air, and eliminate the danger to public health which secondhand smoke causes;
- c. recognize that the need to breathe air free of disease-causing toxins in secondhand smoke and chemicals emitted from electronic cigarettes and herbal cigarettes should have priority over the desire and convenience of smoking on real property owned or leased by the County of Chautauqua;
- d. recognize the right and benefit to County residents and visitors to be free from unwelcome toxins and residue from tobacco, tobacco products, electronic cigarettes, and herbal cigarettes while on real property owned or leased by the County of Chautauqua;
- e. combat the chemically addictive effects of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes upon the public in an effort to improve public wellness and reduce health insurance expenditures; and
- f. protect County residents and visitors from the unregulated and unknown effects of electronic cigarettes and herbal cigarettes.

## Section 2. Definitions.

- a. Real property – all real property owned or leased by the County of Chautauqua, including real estate, lands and any structures, buildings or facilities located upon said real estate and lands. The term real property shall not include roadways within the County road system established under section 115 of the New York State Highway Law.
- b. Tobacco and tobacco products – broad terms that include products containing tobacco such as cigarettes, cigars, pipes, chewing tobacco, snuff, and/or any other substance capable of being burned, ingested and inhaled.
- c. Electronic Cigarettes – an electronic cigarette is an electronic device that converts nicotine liquid into water vapor, and includes e-cigarettes, e-cigars, e-pipes or any other similar device.
- d. Herbal Cigarettes (also called tobacco-free cigarettes or nicotine-free cigarettes) – any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including, but not limited to, as a cigarette, cigar, or pipe filler.
- e. Enforcement Officer – the County of Chautauqua Board of Health or its designee.

## Section 3. Policy.

The use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes shall be prohibited on all real property owned or leased by the County of Chautauqua.

## Section 4. Posting of Signs.

Signs informing the public of the conduct prohibited by this Local Law shall be prominently and conspicuously displayed and posted at the entrance to all real property where use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes is regulated by this Local Law. Signs shall be protected from tampering, damage, removal or concealment.

## Section 5. Enforcement.

- a. The County of Chautauqua Board of Health is designated the enforcement officer to ensure compliance with this Local Law. The enforcement officer may issue and serve upon the person complained against a written notice, together with a copy of the complaint made against him or her, which shall specify the provisions of this Local Law of which such person is said to be in violation and a statement of the manner in which that person is said to violate it and shall require the

person so complained against to answer the charges of such complaint at a public hearing before the Board of Health or its designated hearing officer at a time not less than fifteen (15) days after the date of service of notice.

The Board of Health may serve, together with a copy of the complaint, a stipulation offer to the person complained against. The stipulation offer shall allow the person complained against to enter into a stipulation under the terms and conditions as set forth in the stipulation offer. The person complained against shall have the option of entering into the stipulation or proceeding with a formal hearing.

b. If the enforcement officer determines after a hearing that a violation of this Local Law has occurred, a civil penalty may be imposed by the enforcement officer pursuant to Section 6 of this Local Law. Nothing herein shall be construed to prohibit an enforcement officer from commencing a proceeding for injunctive relief to compel compliance with this Local Law.

c. Any person who desires to register a complaint under this Local Law may do so with any appropriate enforcement officer.

d. The decision of any hearing officer shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

e. The enforcement officer, subsequent to any appeal having been finally determined, may bring an action to recover the civil penalty provided in Section 6 of this Local Law.

Section 6. Violations and Penalties.

a. It shall be unlawful for any person to use tobacco, tobacco products, electronic cigarettes, and herbal cigarettes as defined in this Local Law, on any real property owned or leased by the County of Chautauqua.

b. Any person who violates any provision of this Local Law shall be guilty of a violation, punishable by a civil penalty not to exceed two thousand dollars (\$2,000.00).

Section 7. Other Applicable Laws.

This Local Law shall not be interpreted or construed to permit the use of tobacco, tobacco products, electronic cigarettes, and herbal cigarettes where restricted by other applicable laws.

Section 8. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

This local law shall become effective November 21, 2013.

Mailed: 7/12/13

Amended by Legislature: 7/24/13

Laid on Desks for action at the 8/28/13 meeting

Adopted by Legislature (Print 2): 8/28/13

(R/C Vote: 21 Yes; 3 No; 1 Absent (No's: Duff, Rogers, Stewart))

Adopted as LL 4-13

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2nd Privilege of the Floor

Jeanie Polisoto, Forestville, N.Y. For some reason I am concerned about money, how it is being used and the effectiveness of that expenditure. A lot of complaints about people that are maybe the lower echelon of our society. The process of hearing about the Farm Bill and (*inaudible*)

being kind of subtracted from the mix and trying to find a better answer, there was something that went along with that that comes from the Pope. I find him a breath of fresh air with this humility and his willingness to be common and ordinary. Which we all are. I think sometimes we forget that. So, this is his answer to the regrettable lack of conscientiousness. I being a person that believes in social justice. I hate human trafficking. It involves mostly women per say and the quotient refers to their lack of, I guess just lack, but we can make money off of them. This is what he has to say about this and I agree with him completely because I have worked overseas and seen some of the despicable conditions that somehow I don't think that anybody really realizes how terrible it is. Adam, where are you? And this is from a homily July 8, 2013. Adam, where are you? And this is Cain. Where is your brother and we're supposed to be our brothers keepers, mind you. There are two situations where God asks us at the dawn of human history. In which he asked each man and woman in our own day, which he also asks us, but I would like to ask a third question. Has anyone of us wept because of the situation and others like it. How any one of us, has any one of us grieved for the death of these brothers and sisters. We are a society which has forgotten how to weep, how to experience compassion, suffering with others, the globalization of indifference has taken from us the ability to weep. Let us ask the Lord for the grace to weep over our indifference, to weep over the cruelty of our world, of our own hearts, and of all those anonymity makes socially economic decisions which open the doors to tragic situations like this. Has anyone wept? Today, has anyone wept in our world? I ask all of you when you make allocations for funds and money, what effectiveness level because there are a lot of people weeping out there.

My name is Bonnie Peters, I live at 8237 Glassglow Road, Cassadaga, N.Y. Mr. Chairman, tonight I am here to talk to you as the CSEA, Unit 6300, Executive Vice President. CSEA did at the very first meeting attend the anti-tobacco campaign. Let me say, and I should have said this first, CSEA is not saying we are for or against the campaign. What we are saying is we went to that first meeting and our understanding of the meeting was that we were all there to determine how this would play out. What it would look like. Could people smoke in their vehicles, could we go into a corner of County property? That is what our understanding of it was an when we heard that it was going to happen and it was not negotiable in any way, CSEA pulled our representatives out of that meeting. We then promptly sent the County Executive a letter stating that we feel it is a term of employment that should be negotiated. As of this point and time, we have not heard back from the County Executive. Again, we're not saying we oppose it or we're for it. We're just saying that we feel it should be something that is negotiated. Thank you.

Mr. Anthony Toda, I live at Sherman Street in Jamestown, New York. As you know I was here at the last meeting concerning some issues with the traffic in my neighborhood and noise. At that meeting I spoke that Sheriff Gerace dispatchers were not dispatching vehicles and were harassing me when I made calls and also failing to take my complaints. The Sheriff responded with a letter that I received from him concerning the minutes of that last meeting saying that he was following policy. I am back here, sorry to say that he is not and I will continue to come back until this problem is alleviated because the result is that it's causing an exacerbation of the issues in my neighborhood with the traffic because when you don't identify yourself or you don't take a complaint or you don't respond to a complaint, obviously the cars are not in a neighborhood and over a period of years, the traffic becomes worse and worse. The Sheriff again in a letter has written and stated that he is following protocol and he is not. I'm back again to state that the Sheriff is written to me and is not following protocol and in the meantime I spoke to Congressman Reed because I feel that this is also a constitutional issue. I spoke to Allison Hunt who contacted the Sheriff and also contacted Chief Snellings in Jamestown, New York. The result again was the letter that I got denying that there is any negligence. I know that there are committee meetings here, committees here, the Public Safety Committee that addresses these issues and the reason I am talking here publically with the entire Legislature is that maybe something can be done. It's not an issue that has to be postponed or prolonged. All that has to be done initially is to have the Sheriff dispatchers identify themselves by name as he stated in the letter and to me personally in a phone call in March, the problems with anonymity which are resulting in lack of dispatching and lying and harassment can be resolved. So, if

you know who you are speaking to or if someone identifies themselves there is going to be a tendency for them to do their job because there is accountability there. That is what I am asking the Legislature to start with. Just to maybe speak to the Sheriff and again, request that I am requesting that the dispatchers initially just identify themselves so this problem can be at the beginning stages of a resolution.

Chairman Gould: We will again, send these minutes to the Sheriff. We will also put that on the Public Safety Committee agenda for discussion at their next meeting. That is the third Wednesday of the month at 4:00, I believe.

Mr. Toda: Thank you very much, I appreciate it.

Legislator Heenan: I just want to speak real quickly on resolution 133-13. This was the agreement authorizing the enhanced police services at Brocton. I didn't want to bring it up during the meeting because I didn't want to have 45 minutes or an hour of bantering back and forth. I find it interesting that this is an agreement with Brocton and nothing against Brocton whatsoever. I applaud them again for asking us for enhanced services but at the last meeting when we had the Village of Silver Creek in here and this was back dated a month or two, there was a big hoopla here for about an hour that we shouldn't have given it to them, we didn't know what was in store for us and we cut back their agreement from roughly 18 months to the end of the year. This here is going for a full year and a half with nobody saying a word here. Now, I didn't go to the Public Safety Committee meeting so maybe there was some talk there. At 10% of what the total cost of the Village of Silver Creek was. It was \$360 plus thousand dollars and this is \$37,000 but nobody says a thing about it. That's all. Thank you.

Chairman Gould: There was no debate in committee. Is there anyone else to speak at the 2<sup>nd</sup> privilege of the floor? Seeing no one, I will entertain a motion to adjourn.

MOVED by Legislator Whitney, SECONDED by Croscut and duly carried the meeting was adjourn. (7:45 p.m.)

Chautauqua County Legislature  
6:30 P.M.  
Wednesday, August 28, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent- Tarbrake)

Legislator Nazzaro delivered the prayer and pledge of allegiance.

MOVED by Legislator Wendel, SECONDED by Legislator Scudder and duly carried the minutes were approved. (7/24/13)

1<sup>st</sup> Privilege of the Floor

Good evening, my name is John Ames, I live on West Lake Road in Fredonia and I am here to represent the local Economic Development Committee of the Northern Chautauqua Community Foundation. The things that I wanted to speak to you tonight are going to be presented later on this evening. It's the North County Water District that is being developed by the Chadwick Bay Regional Development Corporation. First let me tell you about the group I represent. The local Economic Development Committee is a committee of the Northern Chautauqua Community Foundation and the 15 members of the committee represent nine major business clusters throughout the northern Chautauqua region. We're united in a vision. A vision of a northern Chautauqua with a vibrant economy providing excellent opportunities for investment and employment of its diverse labor force. The committee is assisted in its work by 12 advisors including representatives again from the private sector but also education and the public sector. Together we have developed a strategic plan. It is comprised of four strategic thrusts. The first is the North County Regional Water District. We're convinced that a coordinated effort between the private sector of which we represent, the public sector, and educational institutions of our region will lead to successful action on each of the four projects that we have developed in our strategic plan. It is the goals of the consolidated funding application that projects must relate to the following: Create, retain, or fill jobs; maximize return on investment; and access readiness for implementation. It is these three goals that the Chadwick Bay Regional Development Corporation will meet with the regional water system it is working to create for northern Chautauqua County.

A couple of weeks ago when we read the County Executive's Monday morning memo, it was clear the County members of the Western New York Regional Economic Development Council also saw the tight fit between the water district and the requirements of the SFA. Leading the list of some of the projects that we'll be reviewed for State funding was the North County Water District. Chadwick Bay leaders have met with the major employers throughout northern Chautauqua County. Nestle Purina, Fieldbrook Foods, Cott, Carriage House, the National Grape Cooperative, Lake Erie Regional Health System, SUNY Fredonia, all of these major employers understand the importance of a reliable high quality water supply being delivered at reduced costs to users. They support this project for the same reason that the local Economic Development Committee gives its backing. They support it for the same reason the water district landed on the list of projects for the CFA. It will assure a reliable high quality supply of water. It will reduce costs to users. It will provide these advantages for large employers but to all users. The users who have been forced to boil water in the recent past. The communities who have been forced to buy water when their infrastructure failed. The users such as SUNY Fredonia, who were forced to purchase bottles of water for its students when they lost their normal supply.

Early I mentioned there were four parts to our strategic plan. Just very briefly the other three are; the Gateway to the New York State facility, the Northern Chautauqua County Local Waterfront Revitalization plan. Both of those are on the CFA and the fourth is the Workforce Development to meet the needs of varying employers.

We thank the County Executive, the IDA, and all of you for all you've done to support the Chadwick Bay Regional Development Corporation and its work on the North County Regional Water District. We urge your continuing full support. As opportunities arise for you to support our other initiatives, we are convinced they too will make a major positive impact on the municipalities boarding the 42 miles of the Lake Erie waterfront. By doing that, we'll lead to a renewed economic development for the whole County. I thank you.

My name is Todd Tranum, I am the President and CEO of the Chautauqua County Chamber of Commerce, Executive Director of the Manufacturers Association, our office is located at 512 Falconer Street. I don't know how many of you are NBA basketball fans but you may remember the retirements of the likes of Larry Bird, Magic Johnson, Kareem Abdul Jabar and remember how they had kind of a tour, every stadium they went to there was some sort of event to recognize them. Sort of been the Dr. Greg DeCinque retirement tour this past several months but absolutely well deserved. I have to tell you when I woke up this morning I didn't plan to come to this legislative meeting but I saw an article this morning that prompted me to be here and then when I got here I saw that there were some other items on this agenda that were important to address. I just want to publically thank Dr. DeCinque for his 19 years of dedication to the community and the Community College and on that note, also, recognize and welcome Dr. Cory Duckworth. I had the great honor of being on the JCC Search Committee and we have brought a wonderful leader to this community and he comes as a package. His wife, a very pleasant lady, wants to be involved in the community and great to have you here. Welcome.

Now, down to some business items. A couple of things. One item on the agenda related to JCC. I wanted to point out that back in 1999-2000, this legislative body had the foresight of making an investment in the Manufacturing Technology Institute at JCC. Frankly, I think we were before our times in many ways because we saw the wave of issues that were going to be facing, particularly in some of our manufacturers in terms of finding a skilled workforce particularly with the number of baby boomers that are leaving the workforce. We got in front of that issue because of the investment this body made, the investment of the Community College, the investment of the foundations, the investment of the private sector. It was such a good idea and so successful, there is an effort underway to create a smaller version of the Manufacturing Technology Institute in Olean. I see there is a resolution on your agenda and we strongly support this initiative and this effort. It is an important opportunity and expansion for the Community College and there is considerable need in that region of the Southern Tier as well.

One final comment related to the County Home. I want to thank the County Executive and again this legislative body for continuing the effort and continuing working on this. I know that it hasn't been easy but continuing to get out there and find a buyer. We're looking forward to hearing what this buyer has to say this evening and we welcome their interest in investing in Chautauqua County. Thank you for your time.

Mr. Mike Sullivan, 108 Cushing Street, Fredonia, N.Y. I am here to address Local Law number 9-13. Is that going to be voted on this evening?

Chairman Gould: Yes.

Mr. Sullivan: What I am here to do tonight is to ask you to consider the electronic portion, the electronic cigarettes to amend this local law to strike that. I have gone back through the minutes of the meetings of the committees and I see a lot of discussion about enforcement, very little on the science or the reasons for electronic cigarettes being included in this local law. Everyone in this room at one time or another has raised a question about over regulation from the State or the Federal government. Well, this is an example of where you would be over regulating. When the last sentence says, to do something in the area of unregulated and unknown effects of electronic cigarettes. Why overstep? If this is a chance that this is going to help somebody get off of the combustible cigarettes, the one that create the second hand smoke which the rest of the purpose of this Local Law covers, why not give it a chance. I happen to live with a person who's living with cigarette addiction and over

the last three weeks has been using the electronic cigarette. Quite frankly, it's made a big difference. The smoke is not there. There is no vapor that is offensive. Give it a shot. Why over regulate until you know there is an effect. On that line, the District Court of the District of Columbia faced this sort of issue with a matter out of the FDA back in January of 2010. Quite frankly, they made the finding that even the FDA isn't showing any proof that it's a risk or a danger. I would just ask you to consider striking that portion and do the rest of the local law to eliminate the smoke and the second hand smoke. Thank you.

Mr. David Leach, live on North Main Street Extension in the Town of Ellicott. Quite frankly, I am confused. I've looked at the income statement for the County Home for the period ending 7/31/2013. This document can only be described as something that demonstrates the practice of counterfactual accounting. IGT money is listed at the top of the page as a component of total revenue. Next in the column of figures comes an itemized list of total expenses. When total expenses are subtracted from total revenues, the County Home has an appreciable net income of \$2 million dollars. It is at this point that the practice of counterfactual accounting take hold. We are asked to deny the fact that - to deny that fact and pretend that all IGT monies don't exist and subtract the \$2 million dollars in net income from \$6.3 million dollars in non-existence IGT funds. Leaving our County Home with a \$1.6 million dollar yearly loss and a \$7,600 daily loss. It is my understanding that the County Home has received the \$6. million in IGT funds budgeted to it for 2013. Why pretend these revenues don't exist when the County Home has them in its account and uses them to fund its operations. It seems to me that if you are going to exercise proper due diligence with this regards to the sale of the Home, that a close scrutiny of this most recent accounting is in order.

Mrs. Christine Leach, Town of Ellicott. When County Executive Edwards gave the State of the County speech he said that we had a surplus and taxes went down. He must have included money we get from the State and Federal government. When he talks about the County Home budget, he omits the State and Federal money that we get, giving the wrong impression that it is losing money. Seems like with a \$6 million dollar surplus, we could support the County Home. It is a good local enterprise. Thank you.

My name is Christine Schuyler, Director of Health & Human Services for the County. I also am here to talk about Local Law 9-13 regarding tobacco smoke free environment here. One of the main priorities of the New York State and our local health agendas is a prevention agenda. That is to decrease the prevalence of chronic disease. One of the main goals in decreasing chronic diseases is to decrease the number of people who smoke. Twenty two percent of adult residents of this County smoke. That is higher than the State and national averages. I don't have to tell any of you really what the harmful effects are of first hand smoke let alone second hand smoke and something that many don't think about is the cost on our health care system and the cost to our children especially as it is related to asthma. I can understand where Mr. Sullivan is coming from with his concern about electronic cigarettes but you will notice in the local law that part of this does say that it is to combat the chemically addictive effects of all of these products. While there is no data out there to show that what you inhale directly from electronic cigarettes is harmful, there is nothing saying it's not harmful. But, there is enough out there saying that it's full of nicotine and it's very, very addictive. You can look in your stores, it's full of flavors, targeted a lot to our kids. We have a responsibility to be role models to those that are around us and we here in County government especially have a role model. We have a lot of people coming in and out of our buildings, we need to set that stage. Our employees deserve to not have to walk through smoke when they come into work and also set that example for their coworkers and for the visitors and taxpayers to our buildings. I hope that you will truly consider passing this local law and know that you will be following in the footsteps of many other County governments who have already taken this route including electronic cigarettes in their local laws.

Mrs. Karen-Angstrom Harvey, West Lake Road, Mayville, New York. I speak to the Chautauqua County Nursing Home which is a valuable publically owned asset in our community and has been. I would like to remind this body that the Department of Health and Human Services

Inspector General released a report in February critical of for-profit nursing homes. Quote, "Medicare paid \$5.1 billion dollars in one year in over charges for poor care in fraudulent claims." Let me say that again, For-profit nursing homes in the United States, according to the Inspector General of the Department of Health and Human Services were guilty of siphoning off \$5.1 billion dollars a year from taxpayers money from this County from us, in overcharges while providing poor care and defrauding the government according again, to the HHS Inspector General. The report is on line. We're talking about saving taxes. For-profit homes will not save us any taxes nor will it give us good care for the beloved elderly that we have in this community. Thank you.

Chairman Gould: Anyone else to speak under the 1<sup>st</sup> privilege of the floor? Seeing no one, I'll close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 7/24/13

COMMENDATION:

DR. GREG DECINQUE  
OUTGOING JCC PRESIDENT

INTRODUCTION OF NEW JCC PRESIDENT  
DR. CORY DUCKWORTH

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COMMUNICATIONS:

1. Invitation to Dr. DeCinque's Retirement Receptions
2. Letters (3) – Co. Exec. Appts. to Traffic Safety Bd.; (2) Fire Advisory Bd.
3. Letter – Co. Executive – Re: Amendment to Chaut. Co. Administrative Code
4. Report – Fn. Dir. Marsh – July 2013 Investment Report
5. Letter – Wm. Geary, President of Health Bd. – Re: N. County Municipal Regional Water System
6. Letter – J. Josephson – Re: County Home Sale
7. Minutes – Chaut. Co. Fire Advisory Bd. – June/2013
8. Letter – Orrick Bond Council – Re: Ack. Receipt of Public Facilities Maintenance Facility Resolution
9. Letter – Assemblyman Goodell - Re: Renaming of Rt. 394 Bridge over Interstate 86 the "John Stow Vietnam Veterans & MIA Memorial Bridge"
10. NYS Dept. of Taxation and Finance – Re: (2) 2013 State Equalization Rates
11. Letters (2) w/ Report – Buffamante Whipple Buttafaro, PC – Re: Chaut. County Audit
12. Quarterly Report – Small Business Development Center – 4/1-6/30/13

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RES. NO. 146-13  
Confirm Re-Appointment – STOP DWI Advisory 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-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 STOP-DWI Advisory Board:

K.H. Pete James Traffic Safety Board Representative  
P.O. Box 1100  
Chautauqua, N.Y. 14722  
Term Expires: 7/31/16

Signed: Duff, Whitney, Wendel, Coughlin, Hemmer

Unanimously Adopted – August 28, 2013

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RES. NO. 147-13  
Confirm Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Fire Advisory Board.

Noel M. Guttman Ex-Officio  
6057 Portage Rd. Special Operations Coordinator Representative  
Mayville, N.Y. 14757  
Term Expires: 1/31/14

Charles Smith Ex-Officio  
P.O. Box 22 Ad Hoc-Radio Communications Representative  
Lakewood, N.Y. 14750  
Term Expires: 1/31/14

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – August 28, 2013

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RES. NO. 148-13  
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 re-appointments to the Chautauqua County Traffic Safety Board.

K.H. Pete James Marvin E. Shellhouse  
P.O. Box 1100 65 N. Allegheny Ave. W.E.  
Chautauqua, N.Y. 14722 Jamestown, N.Y. 14701-2509  
Term Expires: 7/31/16 Term Expires: 7/31/16

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin

Unanimously Adopted – August 28, 2013

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RES. NO. 149-13

Confirm Appointments & Re-Appointments for Chautauqua Lake Management Commission

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolutions 133-05, 182-05, and 37-12, the County Legislature established the Chautauqua Lake Management Commission (CLMC) with commission members appointed by various lake organizations subject to approval by the County Legislature; and

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment and re-appointments of the following chairman and members of the Chautauqua Lake Management Commission to serve for a term of two (2) years to expire June 30, 2015:

Re-Appointments:

Lyle T. Hajdu, Chairman  
4350 W. Summit Avenue  
Lakewood, NY 14750

Linda Barber  
Chautauqua Watershed Conservancy  
413 North Main Street  
Jamestown, NY 14701

Sally Carlson, Town of North Harmony  
Conference of Mayors & Supervisors  
PO Box 176  
Stow, NY 14785

Wade Morse  
Chautauqua County Farm Bureau  
3731 Morley Rd.  
Ashville, NY 14710

Andrew Nixon  
Chautauqua County Visitors Bureau  
PO Box 1441  
Chautauqua, NY 14722

Tom Geisler  
Chautauqua Lake Partnership  
22 Columbia Avenue  
Jamestown, NY 14701

P. Christian Yates  
Chautauqua Lake Association  
800 Lakeview Avenue  
Jamestown, NY 14701

Thomas A. Erlandson  
Chautauqua Co. Water Quality Task Force  
26 Valley View Drive  
Frewsburg, NY 14738

David Wilson  
Chautauqua County Soil & Water  
Conservation District  
Stockton, NY 14784

Kim Sherwood  
Conewango Creek Watershed Assn.  
P.O. Box 403  
Ellington, NY 14732

Jeff Diers  
Watershed Coordinator  
Chautauqua County Dept. of Planning & Economic Development  
200 Harrison Street, Suite 300  
Jamestown, NY 14701

New Appointment:

Chuck Battaglia  
 Chautauqua Co. Federation of Sportsmen  
 125 Maple Avenue  
 Cassadaga, NY 14718

Signed: Croscut, Borrello, Rogers, Heenan

Unanimously Adopted – August 28, 2013

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 RES. NO. 150-13

Authorizing Short-Term Lease of Airport Restaurant Facilities at Chautauqua County Airport at Jamestown

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

WHEREAS, the Airport Commission has considered and recommended that the County lease the Airport Restaurant Facilities to Michelle Johnson, 608 Winsor Street Jamestown, NY 14701, for the operation of a cafe; and

WHEREAS, pursuant to Local Law 6-2000, the Legislature is permitted to approve short-term agreements for a term of less than one (1) year involving the County airports without holding public hearings, which in this case will allow the new restaurant tenant to commence operations as soon as possible; and

WHEREAS, a public hearing for a long-term lease for the restaurant is anticipated to be scheduled for September 25, 2013, and a long-term lease will be considered at that time; now therefore be it

RESOLVED, That the County Executive is authorized to execute a short-term lease agreement with the proposed tenant, Michelle Johnson, for the Airport Restaurant Facilities at the County Airport in Jamestown upon the following proposed terms and conditions:

1. Rent: \$200 per month.
2. Term: A six-month term beginning as of September 1, 2013, and ending on February 28, 2014 or when replaced by a long-term lease, whichever occurs first.
3. Utilities: County shall provide electric, gas and water and Tenant shall provide telephone and waste disposal services.
4. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Borrello, Wendel, Heenan

Unanimously Adopted – August 28, 2013

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 RES. NO. 151-13

Authorize Public Hearing on Amending Lease Agreement with Dunkirk Aviation

By: Public Facilities Committee:  
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, Dunkirk Aviation Management, LLC ("Dunkirk Aviation") and its affiliated companies provide fixed-based operator ("FBO") services at the Dunkirk airport owned by the County of Chautauqua; and

WHEREAS, Resolution 141-07 authorized and approved a twenty (20) year lease agreement with Dunkirk Aviation for Hangar 8 (the former Great Circle Aviation Hangar), and the leased premises included adjacent vacant land of 280 feet by 155 feet for the purpose of constructing new proposed hangar(s); and

WHEREAS, it was not feasible for the proposed new hangar(s) to be constructed, and the vacant land adjacent to Hangar 8 reverted back to the County under the terms of the lease, and

WHEREAS, Dunkirk Aviation now seeks to utilize a smaller portion of the adjacent vacant land (60 feet by 155 feet) in order to install and operate a self-service fuel dispensing system; and

WHEREAS, a proposed self-service fuel dispensing system would be economically beneficial to the County which receives 2% of all fuel sales under the terms of the lease agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held on the proposed amendment of the lease of airport land at the County Airport at Dunkirk at the meeting of the County Legislature on September 25, 2013, at 6:45 p.m. in Legislative Chambers, Gerace Office Building, Mayville, New York 14757, to include substantially the following proposed terms and conditions:

1. Add back to the leased premises approximately 60 feet by 155 feet of the vacant land adjacent to Hangar 8 in order to allow Dunkirk Aviation to install a self-service fuel dispensing system;
2. All other terms and conditions set forth in Resolution 141-07 remain the same.

and be it further

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

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – August 28, 2013

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RES. NO. 152-13

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

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Airport Manager has tentatively negotiated a proposed lease with Michelle Johnson, 608 Winsor Street, Jamestown, New York 14701 for the operation of the restaurant facilities at the County Airport at Jamestown; and

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

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

RESOLVED, That pursuant to provisions of the General Municipal Law a public hearing shall be held at the meeting of the County Legislature on September 25, 2013 at 6:45 pm in Legislative Chambers, Gerace Office Building, Mayville, NY 14757 on the proposed lease of airport restaurant facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of the sum of \$200 per month due on the first day of each month;
2. Term: A one year term beginning on or about October 1, 2013;
3. Utilities: County to provide electric, gas and water; Tenant to pay for telephone and waste disposal service;
4. Other: As negotiated by the County Executive.

and be it further

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

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – August 28, 2013

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RES. NO. 153-13  
Adjust Accounts for Equipment Replacement

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

WHEREAS, the existing DPF paver broke down suddenly and replacement parts were not available; and

WHEREAS, the paver is essential for highway improvement; and

WHEREAS, additional CHIPS funds were realized from the New York State DOT; and

WHEREAS, it was necessary to replace the paver immediately and use existing DM equipment fund balance; now therefore be it

RESOLVED, That DM Fund Balance be appropriate as follows:

INCREASE THE USE OF FUND BALANCE:

DM.----.909	Fund Balance – Fund Balance, Unreserved Fund Balance	\$329,845
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and be it further

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

DM.9950.-----.9	Interfund Transfers – Transfer to Capital	\$329,845
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual – DPF Large Equipment	\$329,845
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfers – Interfund Transfer	\$329,845
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Wendel Borrello, Heenan

**MOVED by Legislator Himelein, SECONDED by Legislator Whitney to amend by substitution.**

WHEREAS, the existing DPF paver broke down suddenly and replacement parts were not available; and

WHEREAS, the paver is essential for highway improvement; and

WHEREAS, additional CHIPS funds were realized from the New York State DOT and can be used to purchase the paver; now therefore be it

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

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

D.9950.-----.9	Interfund Transfers – Transfer to Capital	\$329,845
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INCREASE REVENUE ACCOUNT:

D.5112.R350.1000	NYS Aid – Capital Improvements	\$329,845
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual – DPF Large Equipment	\$329,845
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.626.R503.1000	Interfund Transfers – Interfund Transfer	\$329,845
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Unanimously Adopted as amended– August 28, 2013

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RES. NO. 154-13  
Adjust Fuel Account Appropriation

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

WHEREAS, the Chautauqua County Department of Public Facilities (DPF) serves several departments and other municipal organizations with fueling needs; and

WHEREAS, the Town of Ellicott and the Falconer School District's fueling systems recently began securing fuel through DPF after their fueling systems became obsolete; and

WHEREAS, all non-DPF fuel station users are charged an administration fee of five cents per gallon; and

WHEREAS, the unanticipated revenue from the Town of Ellicott and the Falconer School District has been deposited into a revenue account, and a corresponding adjustment to the Road Machinery account where fuel monies are expended is necessary to accommodate additional fuel purchases for the Town and School District; therefore be it

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

INCREASE REVENUE ACCOUNTS:

DM.5130.R230.0DIE	Charges Shared Services – Diesel	\$35,000
DM.5130.R230.0GAS	Charges Shared Services - Municipal Gas	<u>\$61,000</u>
		\$96,000

INCREASE APPROPRIATION ACCOUNT

DM.5130.----.4	Contractual - Road Machinery	\$96,000
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Wendel, Borrello, Heenan

Unanimously Adopted – August 28, 2013

RES. NO. 155-13

Confirm User Charges: North Chautauqua Lake Sewer District

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

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District, the Administrative Body of the North Chautauqua Lake Sewer District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the North Chautauqua Lake Sewer District, and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective, now therefore be it

RESOLVED, That the *Charges by the North Chautauqua Lake Sewer District* adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and attached hereto and made a part hereof be and hereby are confirmed as follows:

**CHARGES BY THE  
NORTH Chautauqua Lake SEWER DISTRICT**

**SECTION I**

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers of the North Chautauqua Lake Sewer District.

**SECTION II**

DEFINITIONS

As used herein, the following terms shall mean and include:

**A. District:** The North Chautauqua Lake Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

**B. Administrative Head:** The Administrative Head or body of the North Chautauqua Lake Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

**C. User:** The assessed owner of a parcel of property connected or required by applicable law to be connected to a sewer owned by the District.

### SECTION III

#### UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers of the District shall be determined as follows:

**A.** A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries shall consist of one unit.

**B.** Each separate dwelling unit within one building shall consist of one unit.

**C.** Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.

**D.** The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.

**E.** In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

### SECTION IV

#### SCALE OF CHARGES

Pursuant to Section 266 of the County Law, \$378 per Unit per year is established as the charge for collection, conveyance, treatment and disposal of sewage.

### SECTION V

#### BILLING

**A.** The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers of the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit

set forth in Section IV hereof and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

**B.** The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

## SECTION VI

### APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

**A.** All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the North Chautauqua Lake Sewer District, 1 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent.

**B.** Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

**C.** The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

**D.** Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

**E.** The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

**F.** An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

**G.** All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the North Chautauqua Lake Sewer District, 1 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

**SECTION VII**

## SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

**SECTION VIII**

## EFFECTIVE DATE AND REPEALER

This law shall be effective September 1, 2013. The law confirmed by Resolution 131-03 of the Chautauqua County Legislature shall be repealed prospectively as of September 1, 2013.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Wendel, Borrello, Heenan

Unanimously Adopted – August 28, 2013

## RES. NO. 156-13

Authorizing the South and Center Chautauqua Lake Sewer Districts to Enter into a Contract to Prepare an Application for a New York State Grant to Obtain a More Detailed Engineering Report with Respect to the Cost of a Pipeline Transmitting Wastewater Generated in the Chautauqua Lake Basin to the Districts' Treatment Plant in Celoron

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards & Legislators Erlandson and Horrigan:

WHEREAS, by Resolution 26-13, the Chautauqua County Legislature authorized the entry by the South and Center Chautauqua Lake Sewer Districts (hereinafter referred to as *Districts*) Administrative Body (hereinafter referred to as *Districts' Board*) into a contract with GHD Consulting Services, Inc. (hereinafter referred to as *GHD*) to perform an engineering study regarding the cost of a pipeline in the Chautauqua Lake Basin to the Districts' Wastewater Treatment Plant (hereinafter referred to as *Study*); and

WHEREAS, the Districts desire to obtain an expansion of the Study to provide more detail and to apply for a grant from New York to pay part of the cost of such expanded Study; and

WHEREAS, the Districts require assistance in preparing an application for such grant; and

WHEREAS, the entry into a contract for such assistance is not within the scope of projects and the operation thereof currently under the authority of the Districts' Board and therefore requires the approval of the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Districts' Board is authorized to enter into a contract with GHD in the amount of Three Thousand Five Hundred Dollars (\$3,500) to provide assistance in the preparation of an application to New York State for a grant for a portion of the cost of an expanded Study; and be it further

RESOLVED, That the Chairman of the Districts is authorized to execute such contract; and be it further

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

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – August 28, 2013

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RES. NO. 157-13

Amending Regulations on Public Access to Records Pursuant to Article 6 of the New York State Public Officers Law

By Administrative Services Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Article 6 of New York State Public Officers Law (known as the Freedom of Information Law), the Chautauqua County Legislature adopted Resolution No. 167-96 establishing rules and regulations governing access to County records; and

WHEREAS, Article 6 has been amended since 1996 and it is appropriate to update the County's rules and regulations governing access to public records to reflect the State law amendments; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby adopts the following rules and regulations governing access to records of the County of Chautauqua and all of its agencies:

**Section 1. Purpose and Scope.**

The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. These regulations provide information concerning the procedures by which records may be obtained. County personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.

**Section 2. Designation of Records Access Officer.**

- (a) Chautauqua County is responsible for ensuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

County Attorney and Assistant County Attorneys  
Gerace Office Building  
3 North Erie Street  
Mayville, New York 14757

- (b) The records access officer is responsible for ensuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.
- (c) The records access officer shall ensure that agency personnel:
- (1) Maintain an up-to-date subject matter list;
  - (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records;
  - (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested;
  - (4) Upon locating the records, take one of the following actions:
    - (i) Make records available for inspection; or,

- (ii) Deny access to the records in whole or in part, such as through redaction, and explain in writing the reasons therefor;
- (5) Upon request for copies of records:
  - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
  - (ii) Permit the requester to copy those records;
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
  - (i) *Chautauqua County* is not the custodian for such records, or
  - (ii) The records of which Chautauqua County is a custodian cannot be found after diligent search.

**Section 3. Location.**

Records shall be available for public inspection and copying at:

Gerace Office Building  
3 North Erie Street  
Mayville, New York 14757

**Section 4. Hours for Public Inspection.**

*The Records Access Officer may need to gather requested records from the appropriate County Department. Therefore, the County requests that interested visitors make an appointment for the public inspection of records.* The following procedures for making an appointment to inspect and copy records are therefore established:

- (1) Contact the Records Access Officer to make your request;
- (2) The Records Access Officer will notify you when the records are available;
- (3) Schedule an appointment to review the requested records in person.

For the purpose of making an appointment, please contact the Chautauqua County Law Department, Gerace Office Building, 3 North Erie Street, Mayville, New York 14757; Telephone No. 716-753-4247

**Section 5. Requests for Public Access to Records.**

- (a) A written request may be required, but oral requests may be accepted when records are readily available.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and whether available in a different form such as paper or information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
  - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
  - (2) granting or denying access to records in whole or in part;
  - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with subdivision (c) herein, after a reasonable opportunity to correct such non-compliance, shall constitute a denial of a request that may be appealed.

**Section 6. Subject Matter List.**

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of section eighty-seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.

**Section 7. Denial of Access to Records.**

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided within a reasonable time, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:  
*County Executive  
 3 North Erie Street  
 Mayville, New York 14757*
- (d) Any person denied access to records may appeal within thirty (30) days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
  - (1) the date and location of requests for records;
  - (2) a description, to the extent possible, of the records that were denied; and
  - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten (10) business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:  
*Committee on Open Government  
 Department of State  
 One Commerce Plaza  
 99 Washington Avenue, Suite 650  
 Albany, NY 12231*
- (h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten (10) business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (e) of this section.

**Section 8. Fees.**

- (a) There shall be no fee charged for:
  - (1) inspection of records;
  - (2) search for records; or
  - (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee.
- (c) Fees for copies may be charged, provided that:
  - (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches. This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;
  - (2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; and
  - (3) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- (d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
  - (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
  - (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
  - (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.
- (f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two (2) hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (h) An agency may waive a fee in whole or in part when making copies of records available.

**Section 9. Public Notice.**

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records are made available for public inspection and copying shall be posted outside the office of the Clerk of the County Legislature.

**Section 10. Severability.**

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**Section 11. Preservation of Rights.**

Nothing in this Resolution shall be construed to limit or abridge any otherwise available right of access at law or in equity of any party to records.

Signed: Scudder, Cornell, Tarbrake, Barmore, DeJoy

Unanimously Adopted – August 28, 2013

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RES. NO. 158-13  
Adjust Accounts Real Property Tax

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

WHEREAS, there is a need to adjust accounts for the Real Property Tax office due to recommendations made in the State Comptroller's Audit; and

WHEREAS, the changes will enhance the features and reports necessary to add greater security to the tax collection software used by the Real Property Tax Office and the online tax collectors; now therefore be it

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

INCREASE REVENUE ACCOUNT:

A.1310.9999.R277.0000	Miscellaneous – Other Unclassified Rev	\$35,000
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ESTABLISH & INCREASE EXPENSE ACCOUNT:

A.1330.----.4	Contractual – Real Property Tax	\$35,000
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Signed: Scudder, Tarbrake, Barmore, DeJoe, Cornell, Runkle, DeJoe, Wendel, Borrello, Heenan, Himelein

Unanimously Adopted – August 28, 2013

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RES. NO. 159-13  
Investment Policy for the County of Chautauqua

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

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, it is desirable that the County's current policy be amended to modify the lists of depositories, financial institutions, dealers, and custodians; therefore be it

RESOLVED, That the County Investment Policy is hereby re-confirmed as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,  
 \*to conform with all applicable federal, state and other legal requirements (legal);  
 \*to adequately safeguard principal (safety);  
 \*to provide sufficient liquidity to meet all operating requirements (liquidity); and  
 \*to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of deposit, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$30,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Jamestown Savings Bank	HSBC America
Evans Bank, N.A.	Citizen's Bank N.A.	JP Morgan Chase, N.A.
PayPal	First Niagara Bank	

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- \*Special time deposit accounts;
- \*Certificates of deposit;
- \*Obligations of the United States of America;
- \*Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- \*Obligations of the State of New York;
- \*Obligations issued pursuant to LFL Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;

\*Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments;

\*Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;

\*Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceed: of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

#### XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer's & Traders Trust Co.
<u>Morgan Stanley Dean Witter</u>	Finacorp Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	RBS Greenwich Capital
Edward Jones	Duncan-Williams Inc

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RBS Greenwich Capital
Federal Reserve Bank	Manufacturer's & Traders Trust Co.
Wachovia Securities	JP Morgan Chase, N.A.
Edward Jones	First Niagara Bank
<u>Morgan Stanley</u>	

#### XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

**Strikethrough Indicates Deletion, Underline Indicates New Language**

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

\* All repurchase agreement must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.

\* Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.

\* No substitution of securities will be allowed.

\* The custodian shall be a party other than the trading partner.

Signed: Scudder, Tarbrake, Barmore, Himelein, DeJoy, Cornell, Runkle, DeJoe Wendel, Borrello, Heenan

Unanimously Adopted – August 28, 2013

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RES. NO. 160-13

Authorize Agreement with BOCES LoGuidice & 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 Officer program; and

WHEREAS, BOCES LoGuidice and BOCES Hewes Centers have agreed to compensate the County of Chautauqua for the cost of providing one Deputy Sheriff for the period of September 3, 2013 through June 30, 2014, the deputy to be shared between both facilities at a total sum not to exceed \$90,017, plus any agreed upon overtime hours compensated at the rate of \$58.16 per hour; and

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

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

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – August 28, 2013

RES. NO. 161-13

Authorizing SEQRA Review of Waterways Panel 2014 Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 65-13, the Chautauqua County Legislature reconfirmed a means to distribute the Occupancy Tax and that portion derived from such tax over three-fifths (the 2% tax) to be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County; and

WHEREAS, Resolution 65-13 provides that a portion of the 2% tax shall support the establishment and maintenance of the position of "Chautauqua County Watershed Coordinator" and further assigns lump sums to the Chautauqua County Soil and Water Conservation District, Chautauqua Lake Association, Findley Lake Association, Cassadaga Lake Association, Bear Lake Association, and the Lake Erie Management Commission; and

WHEREAS, Resolution 65-13 also provides that the use of the remainder of the 2% tax is to 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 shall 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 2014 for the enhancement and protection of waterways; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the Waterways Panel recommendations set forth below, and hereby determines that the projects ranked numbers 3, 11, and 13, are Type II actions or activities requiring no further review pursuant to the New York State Environmental Quality Review Act (SEQRA), and be it further

RESOLVED, That the Chautauqua County Legislature authorizes and directs the Department of Planning & Economic Development to arrange SEQRA review of the projects ranked numbers 1, 2, 4, 5, 6, 7, 8, 9, 10, 12 and 14 recommended by the Waterways Panel as set forth below, and provide a report and recommendations to the County Legislature:

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
SAREP - Canadaway Creek Habitat Restoration /Sportsfishing Aquatic Resource Education Program	1	\$ 2,650	\$ 2,650
Goose Creek Streambank Stabilization /Chautauqua County Soil and Water Conservation District	2	\$ 40,000	\$ 40,000
Bly Hill Road Ditch Stabilization / Chautauqua County Soil and Water Conservation District	3	\$ 17,300	\$ 17,300
Camp Merz Shoreline Stabilization / Chautauqua County Soil and Water Conservation District	4	\$ 37,000	\$ 37,000

Silver Creek Streambank Protection /Village of Silver Creek	5	\$ 40,000	\$ 40,000
Bayberry Landing Shoreline Stabilization /Chautauqua County Soil and Water Conservation District	6	\$ 39,700	\$ 0
Gilbert – Dewittville Streambank Stabilization /Chautauqua County Soil and Water Conservation District	7	\$ 40,000	\$ 0
Westfield WPCF Upgrade /Village of Westfield	8	\$ 40,000	\$ 0
Chautauqua Creek Fish Passageway /Village of Westfield	9	\$ 40,000	\$ 0
Cattaraugus Creek Stabilization /Nancy J. Bizub	10	\$ 40,000	\$ 0
Van Buren Point Filtering System /Van Buren Point Association	11	\$ 22,604	\$ 0
Dunkirk Boat Launch Dredging /City of Dunkirk	12	\$ 30,000	\$ 0
Chautauqua Watershed Conservancy: Healthy Landscape and Healthy Waters/CWC	13	\$ 10,000	\$ 0
Findley Lake Breakwall/Dam Renovations / Findley Lake Watershed Foundation	14	\$ 40,000	\$ 0
Muzzy Hill Road Ditch Stabilization /Town of Harmony *** REMOVED FROM RANKING ***	15	\$ 0	\$ 0
Chautauqua Watershed Conservancy: Whitney Point Purchase /CWC *** REMOVED FROM RANKING ***	16	\$ 0	\$ 0

Signed: Runkle, DeJoe, Wendel, Borrello, Heenan, Himelein, Croscut, Rogers

Unanimously Adopted – August 28, 2013

RES. NO. 162-13

Authorize JCC Capital Project – Cattaraugus County Campus

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Jamestown Community College (JCC) desires to provide programs and courses on the Cattaraugus County campus in Olean that are similar to the courses offered in the Manufacturing Technology Institute building on the Chautauqua County campus in Jamestown; and

WHEREAS, the Knights of Columbus facility located on a parcel of land immediately adjacent to the Cattaraugus County Campus is available for purchase, and JCC officials and representatives of an architectural firm have viewed the facility and determined that it is a highly desirable venue for educational programming related to manufacturing and technology; and

WHEREAS, the JCC Regional Board of Trustees has approved the project with a capital budget not to exceed \$2,200,000; and

WHEREAS, the State of New York has matching funds potentially available for one-half of the cost of the project, and JCC has sufficient funds for one-quarter of the cost of the project, and there is a remaining one-quarter of the cost of the project required of Cattaraugus County for projects taking place on the Cattaraugus County campus only; and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the acquisition of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees; and

WHEREAS, the County will incur no local share expense related to the Cattaraugus County manufacturing and technology project; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the above-described capital project of JCC on the Cattaraugus County campus.

Signed: Runkle, DeJoe, Wendel, Borrello, Heenan, Himelein, Croscut, Rogers

Unanimously Adopted – August 28, 2013

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RES. NO. 163-13

Request CCIDA to Adopt Local Labor and Supplier Policy for Projects Receiving CCIDA Financial Assistance

By Planning & Economic Development and Audit & Control Committees:  
At the Request of Legislator Whitney:

WHEREAS, pursuant to Section 895-h of New York State General Municipal Law (GML), the County of Chautauqua Industrial Development Agency has been created for the “benefit of the county of Chautauqua and the inhabitants thereof;” and

WHEREAS, in order to promote economic development within Chautauqua County, CCIDA is empowered to provide financial assistance for projects undertaken by private entities, and such financial assistance can include loans, sales tax exemption, mortgage recording tax exemption, real property tax abatement, and the proceeds of bonds issued by the agency; and

WHEREAS, to achieve maximum economic benefit for Chautauqua County from the financial assistance provided by CCIDA for development projects, it would be advantageous for CCIDA to require financial assistance recipients to utilize local labor and suppliers from the surrounding area on projects receiving CCIDA assistance; and

WHEREAS, the Erie County Industrial Development Agency has recently adopted a policy requiring private entities to utilize local labor on projects receiving ECIDA financial assistance; therefore be it

RESOLVED, That the Chautauqua County Legislature requests CCIDA to adopt a local labor and supplier policy for project developers receiving financial assistance from CCIDA, to include the following provisions:

1. At least 90% of all employees of the general contractor, subcontractor, or subcontractor working on the project receiving financial assistance must reside within the “local labor area.” The “local labor area” shall be deemed to include Chautauqua County and all counties bordering on Chautauqua County, to include Cattaraugus

County, Erie County, N.Y., Erie County, Pennsylvania, and Warren County, Pennsylvania.

2. At least 90% of all materials and supplies utilized on the project receiving financial assistance must be procured from material and supply businesses located within the local labor area defined above.
3. Project developers shall be required to file reports with CCIDA demonstrating compliance with the local labor and supplier policy. Waivers of the local labor and supplier policy requirements may be granted by CCIDA when workers residing within the local labor area are not available for a particular task, and/or particular materials and supplies cannot be procured locally with respect to the assisted project.

Signed: Whitney (Tabled in P&E)

MOVED by Legislator Horrigan, SECONDED by Legislator Borrello to TABLE

TABLED – August 28, 2013

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RES. NO. 164-13

Resolution of the County Legislature of the County of Chautauqua extending the additional rate of taxes on sales and uses of tangible personal property and of certain services, on occupancy of hotel rooms and on amusement charges pursuant to 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. Section 4-A of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.

Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this resolution, there is hereby imposed and there shall be paid an additional one-half of one percent rate of such sales and compensating use taxes, for the period beginning December 1, 2010, and ending November 30, 2015. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this resolution relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this resolution, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section.

SECTION 2. Paragraph (e) of Subdivision (1) of section 11 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(e) With respect to the additional one-half of one percent rate of taxes imposed for the period beginning December 1, 2010, and ending November 30, 2015, in respect to the use of property used by the purchaser in this county prior to December 1, 2010.

SECTION 3. Subdivision (c) of section 14 of Resolution No. 86-68, adopted by the Board of Supervisors of the County of Chautauqua on May 10, 1968, imposing sales and compensating use taxes, as amended, is amended to read as follows:

(c) Disposition of net collections from the additional rate of sales and compensating use taxes in the county. Notwithstanding any contrary provision of law, if the county imposes the additional one-half of one percent rate of sales and compensating use taxes for all or any portion of the period beginning December 1, 2010, and ending November 30, 2015, the county shall allocate three-tenths of the net collections from the additional one-half of one percent to the cities, towns, and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the General Municipal Law completed and published prior to the end of the quarter for which the allocation is made, and allocate the remainder of the net collections from the additional one-half of one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the General Municipal Law. The net collections from such additional rate shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county to be used for purposes above described.

SECTION 4. This enactment shall take effect December 1, 2013.

Signed: Scudder, Tarbrake, Barmore, DeJoy (A.S. Cornell voting "no"), Runkle, DeJoe, Wendel, Borrello, Heenan, Himelein

Adopted w/ Legislators Cornell, Coughlin, Duff, Hoyer, James voting "no" – August 28, 2013

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RES. NO. 165-13  
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. 44-13; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be 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 all prior actions taken by the Executive and Chairman pertaining to said offers, including the execution of Quitclaim Deeds, are hereby legalized, validated, ratified, and confirmed; and be it further

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

Offer Number	Munic	S/B/L	Property Location	Purchaser	Offer Amt.	Taxes Owing
QC-2-2013	C/Dnk	060300-79.11-4-38	9-11 Genet St	David Ott	2426.13	2426.13
QC-4-2013	C/Dnk	060300-79.12-1-4	39 N Pangolin St	Jean A Glowniak Richard Glowniak	9668.10	9668.10
QC-5-2013	C/Dnk	060300-79.12-2-23	138 S Jerboa St	Betty A Anson LU: Jean B Pawlak	7919.20	7919.20
QC-12-2013	C/Dnk	060300-79.15-2-35	132 Ruggle St	Eric J Cave	4359.69	4359.69
QC-14-2013	C/Dnk	060300-79.16-1-20	137 Nevins St	Estate of Suzanne Strek	3611.10	3611.10
QC-15-2013	C/Dnk	060300-79.16-5-3	633 S Roberts Rd	Edgar Garcia	2105.85	2105.85
QC-17-2013	C/Dnk	060300-79.18-3-29	511 Swan St	Brian Draves	8477.27	8477.27
QC-18-2013	C/Dnk	060300-79.18-3-57	507 Canary St	Daniel J Hall	2452.21	2452.21
QC-19-2013	C/Dnk	060300-79.18-4-95	604 Eagle St	Greater Chaut. Federal Credit Union	3440.98	3440.98
QC-20-2013	C/Dnk	060300-79.19-2-69	534 Deer St	Savitri C Washington	3190.27	3190.27
QC-23-2013	C/Dnk	060300-79.19-6-22	627 Main St	Savitri C Washington	1817.35	1817.35
QC-33-2013	C/Jmst	060800-370.16-1-20	57 Hotchkiss St	Barbara A Russo	3263.55	3263.55
QC-35-2013	C/Jmst	060800-370.16-5-8	9 Hotchkiss St	Steven LaBarbera	1960.47	1960.47
QC-36-2013	C/Jmst	060800-370.16-7-36	392-394 Falconer St	Savitri C Washington	4808.26	4808.26
QC-37-2013	C/Jmst	060800-370.16-7-8	425 Falconer St	Savitri C Washington	4198.16	4198.16
QC-42-2013	C/Jmst	060800-370.18-2-44	50 W 15Th St	Cynthia F Harper	4412.96	4412.96
QC-43-2013	C/Jmst	060800-370.18-2-45	W 15Th St	Cynthia F Harper	1009.24	1009.24
QC-48-2013	C/Jmst	060800-370.18-3-33	30 W 13Th St	Savitri C Washington	2363.99	2363.99
QC-49-2013	C/Jmst	060800-370.18-3-72	22 W 14Th St	Savitri C Washington	2587.44	2587.44
QC-51-2013	C/Jmst	060800-370.18-4-52	29 W 12Th St	Gerald D Davis, Deborah A Davis and Timothy G Hunter	1276.22	1276.22
QC-55-2013	C/Jmst	060800-370.20-1-19	Newton Ave	H Grant Johnson	267.24	267.24
QC-56-2013	C/Jmst	060800-370.20-1-20	239 Newton Ave	H Grant Johnson	4255.27	4255.27
QC-57-2013	C/Jmst	060800-370.20-2-42	809 E 2Nd St	Savitri Washington	3028.51	3028.51
QC-60-2013	C/Jmst	060800-370.20-5-9	384 Buffalo St	Savitri C Washington	2163.11	2163.11
QC-64-2013	C/Jmst	060800-371.13-2-19	23 Hopkins Ave	Jeffrey J Oleshak	1063.36	1063.36
QC-67-2013	C/Jmst	060800-371.17-3-9	720 Buffalo St	Billy J Napier Rebecca A Napier	2966.21	2966.21
QC-72-2013	C/Jmst	060800-387.06-2-41	408 W 8Th St	Savitri C Washington	1634.52	1634.52
QC-73-2013	C/Jmst	060800-387.06-5-41	50 W 9Th St	Roland McCormick Dawn McCormick	1210.95	1210.95
QC-76-2013	C/Jmst	060800-387.08-1-8	120 Bush St	RRC Property Management LLC	5886.00	5886.00
QC-77-2013	C/Jmst	060800-387.08-2-40	222 Winsor St	A & E Properties LLC	5864.12	5864.12
QC-78-2013	C/Jmst	060800-387.08-2-43	12 Scott St	A & E Properties LLC	3050.59	3050.59

QC-112-2013	C/Jmst	060800-387.13-3-26	13 Highland Ave	James R Fusco Janet Fusco	40513.04	40513.04
QC-114-2013	C/Jmst	060800-387.13-8-1	111 Norton Ave	Beneficial Homeowner Service Corp	10618.24	10618.24
QC-118-2013	C/Jmst	060800-387.14-10-5	18 Linden Ave	William Piazza	2875.43	2875.43
QC-120-2013	C/Jmst	060800-387.14-4-12	230 Mckinley Ave	Savitri C Washington	1941.15	1941.15
QC-132-2013	C/Jmst	060800-387.19-3-6	202 Broadhead Ave	Alan N Anderson	3957.71	3957.71
QC-133-2013	C/Jmst	060800-387.19-5-34	226 Hazzard St	Savitri C Washington	3999.78	3999.78
QC-135-2013	C/Jmst	060800-387.19-8-20	600 Foote Ave	Mahendra Basdeo	3309.09	3309.09
QC-142-2013	C/Jmst	060800-387.26-3-42	36 Grant St	Ronald R Payne Genevieve F Payne	8865.87	8865.87
QC-143-2013	C/Jmst	060800-387.31-2-28	603 Lafayette St	Savitri C Washington	1337.01	1337.01
QC-149-2013	C/Jmst	060800-387.34-4-16	223 Winsor St	Savitri C Washington	2403.37	2403.37
QC-153-2013	C/Jmst	060800-387.41-3-13	232-234 E 2Nd St	Savitri Washington	8676.65	8676.65
QC-154-2013	C/Jmst	060800-387.41-3-16	304-306 E 2Nd St	Savitri C Washington	3028.51	3028.51
QC-166-2013	C/Jmst	060800-404.07-3-33	455 Broadhead Ave	Maria B Herndon	7805.70	7805.70
QC-168-2013	Arkwrgrt.	062000-182.00-2-74	3415 Bard Rd	Keith F Bedford	2332.33	2332.33
QC-169-2013	V/Lkwd	062201-385.06-2-45	15 Webster St	Barbara J Sorce	12207.61	12207.61
QC-170-2013	V/Lkwd	062201-385.12-3-26	Woodcrest Ave	Troy D Taylor	523.37	523.37
QC-171-2013	V/Lkwd	062201-385.12-3-27	217 Woodcrest Ave	Troy D Taylor	7613.76	7613.76
QC-172-2013	V/Lkwd	062201-385.12-3-30	Woodcrest Ave	Troy D Taylor	523.37	523.37
QC-173-2013	V/Lkwd	062201-385.12-3-31	Woodcrest Ave	Troy D Taylor	523.37	523.37
QC-174-2013	V/Lkwd	062201-386.05-1-25	303 E Terrace Ave	Savitri C Washington	8937.12	8937.12
QC-181-2013	Busti	062289-384.11-2-11	2234 Dell Ave	Ronald S Ziegler Sr	3440.35	3440.35
QC-184-2013	Busti	062289-421.00-2-37	Main St	H Grant Johnson Jr Delores Barbara Johnson	2339.24	2339.24
QC-185-2013	Busti	062289-435.00-2-3	788 Wellman Rd	Gregory Johnson	779.38	779.38
QC-186-2013	Busti	062289-452.00-2-27	24 Wellman Rd	Kelly Singer	2654.19	2654.19
QC-187-2013	Busti	062289-453.00-1-50	155 Big Tree Sugar Grove Rd	Harold L Lobb	18396.49	18396.49
QC-188-2013	Busti	062289-455.00-1-2	2997 Burton Rd	Jimmie L Williams Sr Tracenna M Moncrief	9539.00	9539.00
QC-189-2013	Carroll	062400-406.18-1-15	89 Falconer St	Erin L Beckstrom Bradley Beckstrom	7830.17	7830.17
QC-190-2013	Carroll	062400-423.05-1-53	27 N Pearl St	Jerry A Horner Diane Butler	11473.15	11473.15
QC-192-2013	Carroll	062400-423.07-1-53	7 Everett St	Jerry A Horner Diane M Horner	14400.85	14400.85
QC-194-2013	Carroll	062400-423.10-1-46	16 E Main St	Jerry A Horner Diane M. Horner	7889.08	7889.08
QC-195-2013	Carroll	062400-424.00-2-49	1278 Scott Rd	David Sena	4027.22	4027.22

QC-197-2013	Charlotte	062689-217.00-2-1	7364 North Hill Rd	Candy A Yale	1784.37	1784.37
QC-199-2013	V/Mayv	062801-262.07-2-11	24 N Erie St	Jeanne M Rice	9372.66	9372.66
QC-200-2013	V/Mayv	062801-262.07-2-12	N Erie St	Jeanne M Rice	330.25	330.25
QC-203-2013	V/Mayv	062801-262.16-2-13	78 W Lake Rd	Kyle S Daly	12268.92	12268.92
QC-204-2013	Chaut.	062889-246.14-1-20	6008 Elmwood Rd	Estate of Betty J Roundtree	7118.72	7118.72
QC-205-2013	Chaut.	062889-280.13-1-57	Summer Haven Rd	Lisa Juliano Mark Juliano	3174.63	3174.63
QC-212-2013	Ch.Crk.	063089-253.00-1-17	Co Rd 85 Rear	Donald C O'Connor Maureen E O'Connor Sheila M O'Connor Gertrude A O'Connor	2789.99	2789.99
QC-213-2013	Ch.Crk.	063089-253.00-1-18	Risley Rd Rear	Donald C O'Connor Maureen E O'Connor Sheila M O'Connor Gertrude A O'Connor	4076.16	4076.16
QC 151-2012	Ellery	063601-333.09-2-5	17 Liberty St	Thomas D Gustafson Timothy D Gustafson LU: Dorothy M Hurst	12127.30	12127.30
QC-216-2013	Ellery	063689-317.00-1-56.2	4157 Salisbury Rd	Jeanne M Rice	2763.91	2763.91
QC-217-2013	Ellery	063689-333.00-2-71	Westman Rd Rear	Dorothy M Hurst f/k/a Dorothy Gustafson & Estate of Donald E Gustafson	785.05	785.05
QC-218-2013	Ellery	063689-368.07-1-21.2	4076 Lakeview Dr	J Christopher Creighton Karen Creighton	39714.63	39714.63
QC-223-2013	V/Falc	063803-371.10-3-80	65 W Mosher St	John T Peterson	4275.58	4275.58
QC-226-2013	Ellicott	063889-319.00-1-10	3935 Ross Mills Rd	Kevin R Jensen	1242.50	1242.50
QC-238-2013	Ellicott	063889-388.00-1-9	2205 Willard St Ext	Daniel R Colburn	10130.45	10130.45
QC-242-2013	Ellington	064000-272.04-1-33	5512 Church St	Clinton Krivulka Sharon Krivulka	6694.57	6694.57
QC-243-2013	Ellington	064000-304.00-1-50	1720 28th Creek Rd	Estate of Charles E Nieder Estate of Delores M Nieder	2201.28	2201.28
QC-244-2013	Ellington	064000-304.00-1-51	1730 28th Creek Rd	Ronald J Eddy Deborah S Eddy	7691.05	7691.05
QC-245-2013	Ellington	064000-322.00-1-20	Little Rd	Wells Fargo Bank NA	612.52	612.52
QC-246-2013	Ellington	064000-322.00-1-3	Waterman Rd	Robert E Johnson Lulu M Johnson	1029.11	1029.11
QC-248-2013	Gerry	064489-302.18-1-26	2899 Gerry-Ellington Rd	George S Hetrick Carol A Hetrick	1549.52	1549.52
QC-249-2013	Gerry	064489-318.00-3-20	4178 Route 380	Kenneth Asel II	2955.58	2955.58
QC-250-2013	Gerry	064489-318.00-3-23	4183 Route 380	Kenneth Asel Jr	3604.25	3604.25
QC-251-2013	Gerry	064489-319.00-2-26	2954 Kimball Dr	R Kenneth Asel II	3392.58	3392.58
QC-252-2013	Gerry	064489-319.00-2-28	2968/4038 Kimball Drive North	R Kenneth Asel II	8132.23	8132.23

QC-253-2013	Gerry	064489-319.00-2-33	4062 Route 380	Kenneth Asel II	3512.20	3512.20
QC-254-2013	Gerry	064489-319.17-2-14	2967 Kimball Drive North	Ken Asel II	2254.00	2254.00
QC-255-2013	Gerry	064489-319.17-2-20	2980 Kimball Drive South	Kenneth Asel II	2274.44	2274.44
QC-256-2013	Gerry	064489-320.00-2-48	4020 Wilson Hollow Rd	Kenneth Asel II	2983.07	2983.07
QC-258-2013	V/Slv Crk.	064603-32.14-3-17	26 Adams St	Mark A Parisio Sr	10313.30	10313.30
QC-262-2013	V/Slv Crk	064603-32.18-5-11	45 Hanover St	Sharon L Winkelmann	7075.17	7075.17
QC-266-2013	Hanover	064689-101.00-1-18	0 Rt 39	Jeffrey A Waterhouse Karen M Waterhouse	7270.18	7270.18
QC-267-2013	Hanover	064689-101.00-1-5	827 Waterman Rd	Gary C Pinzel Karen A Pinzel	6473.97	6473.97
QC-269-2013	Hanover	064689-117.00-1-44	0 Rider Rd	Patrick J Murphy Karen S Murphy	3313.58	3313.58
QC-270-2013	Hanover	064689-32.12-3-54	1040 Rt 5 & 20	James H Reynolds	18075.82	18075.82
QC-271-2013	Hanover	064689-32.14-1-4	1539 Rt 5	Kevin Zola	17898.48	17898.48
QC-273-2013	Hanover	064689-49.03-2-13	0 Bennett State Rd	Estate of Frances J Smith	160.21	160.21
QC-276-2013	V/ Panama	064801-398.04-1-10	Goshen Rd	Stephen DiDomenico Michelle C Didomenico	1379.53	1379.53
QC-280-2013	Harmony	064889-398.00-2-13	Co Rd 10	William R Lindberg III	2054.23	2054.23
QC-281-2013	Harmony	064889-416.00-1-19	Panama Bear Lake Rd	Ernest E Button Estate of Evelyn J Button	389.57	389.57
QC-282-2013	Harmony	064889-416.00-1-5	6147 Button Valley Rd	Edith J Ecklund LU: Ernest E Button	12737.03	12737.03
QC-283-2013	Harmony	064889-416.00-1-6	6127 Button Valley Rd	Edith J Ecklund LU: Ernest E Button	16388.61	16388.61
QC-285-2013	Kiantone	065000-421.00-3-26	Prosser Hill Rd	H Grant Johnson Jr Delores Barbara Johnson	2697.42	2697.42
QC-286-2013	Kiantone	065000-422.00-2-33	E Of Spencer Rd	Calogero J Armeli	160.84	160.84
QC-287-2013	Kiantone	065000-438.00-3-1	865 Prosser Hill Rd	H Grant Johnson Jr Delores Barbara Johnson	9793.32	9793.32
QC-288-2013	Mina	065200-326.00-1-14	3616 Camp Rd	Lee Pound Marcia Pound	2558.65	2558.65
QC-289-2013	Mina	065200-358.00-1-7.2	2636 W Mina Rd	Elizabeth Covey	11359.13	11359.13
QC-290-2013	Mina	065200-359.06-3-10	Bailey Hill Rd	Russell A Weise Jr	1020.07	1020.07
QC-291-2013	Mina	065200-359.06-3-9	Rt 430	Russell A Weise Jr	3272.52	3272.52
QC-292-2013	N. Harmony	065400-313.00-3-1	7180 Stedman-Sherman Rd	Elizabeth Nelson	3678.77	3678.77
QC-293-2013	N. Harmony	065400-332.06-1-24	3783 Victoria Rd	Estates of Kenneth & Anna Buchanan	5721.46	5721.46
QC-294-2013	N. Harmony	065400-350.13-1-56	Route 394	Jeanne M Rice	1048.18	1048.18

QC-300-2013	V/Fred.	065801-113.07-4-61	10 James Pl	Richard A Sherman Barbara A Wright	19953.32	19953.32
QC-301-2013	V/Fred.	065801-113.07-5-14	75 Cottage St Ext	David C Bergeron	20417.18	20417.18
QC-302-2013	V/Fred.	065801-113.11-3-27	169 E Main St	Richard Pchelka	21184.42	21184.42
QC-305-2013	V/Fred.	065801-113.18-1-14	Westerly Dr	Bank of America NA	443.95	443.95
QC-306-2013	V/Fred.	065801-113.19-1-63	40 Spring St	Larry R Bell	5863.74	5863.74
QC-310-2013	Pomfret	065889-164.00-1-13	8899 Fredonia- Stockton Rd	Donna Town-Goldberg	10801.38	10801.38
QC-313-2013	Portland	066089-143.20-1-27	10160 Green Hills Dr	Michael Bellando	3925.77	3925.77
QC-314-2013	Portland	066089-145.00-1-20	Rt 20 Rear	Robert Harris	2014.92	2014.92
QC-315-2013	Portland	066089-145.00-1-21	5408 Rt 20	Robert Harris	6350.93	6350.93
QC-316-2013	Portland	066089-145.00-1-22	5412 Rt 20	Robert Harris	12885.89	12885.89
QC-317-2013	Portland	066089-145.00-1-9	9460 S Swede Rd	Clinton W Harper	5330.82	5330.82
QC-318-2013	Portland	066089-145.00-3-1	5811 Rt 20	John L Cogdill LeeAnne Cogdill	12440.18	12440.18
QC-328-2013	Portland	066089-177.00-2-51	6839 Webster Rd	Edward H Wood	2614.32	2614.32
QC-332-2013	Ripley	066200-225.00-1-42.1	E Main Rd	Bentley-Ripley Farms Inc	5558.12	5558.12
QC-336-2013	Ripley	066200-240.16-2-6	21 Maple Ave	Bradley R Hawker	4777.93	4777.93
QC-337-2013	Ripley	066200-275.00-1-23	Johnson Rd	Estate of William A Keith	4881.26	4881.26
QC-338-2013	Ripley	066200-275.00-1-31	5011 Johnson Rd	Estate of William A Keith	11687.98	11687.98
QC-339-2013	Ripley	066200-276.00-1-19	9196 E Johnson Rd	Estate of William A Keith	9456.13	9456.13
QC-340-2013	Ripley	066200-276.00-1-21.2	Rt 76	Estate of William A Keith	1329.16	1329.16
QC-342-2013	Ripley	066200-291.00-1-38.3	Miller Rd	Mark R Henry	3412.48	3412.48
QC-343-2013	Sheridan	066400-47.17-1-5.2	Rt 5	Samuel J Saia	5743.45	5743.45
QC-345-2013	Sheridan	066400-80.00-3-31	11161 Newell Rd	Bruce M Tarnowski Karen M Tarnowski	5912.60	5912.60
QC-346-2013	Sheridan	066400-81.11-1-24	2645 Rt 20	Elliott R Masman	30492.48	30492.48
QC-348-2013	V/Sherm.	066601-328.10-1-6	115 Kipp St	Timothy W Weary Susan J Woodard	8258.06	8258.06
QC-349-2013	V/Sherm.	066601-328.11-2-10	East Main St	Russell A Weise Kay P Weise	428.63	428.63
QC-350-2013	V/Sherm.	066601-328.11-2-8	East Main St	Russell A Weise Kay P Weise	12090.41	12090.41
QC-351-2013	V/Sherm.	066601-328.11-2-9	East Main St	Russell A Weise Kay P Weise	4959.70	4959.70
QC-352-2013	Sherman	066689-380.00-1-6	7405 Warner Rd	Keybank NA	16486.14	16486.14
QC-354-2013	V/Cass.	066801-199.05-1-46	34 Mill St	Sharon Hammond McIntosh Estate of Robert F Hammond	5490.89	5490.89
QC-355-2013	Stockton	066889-197.00-1-19.2	4961 Route 380 N	Rose Lee Kellogg John J Kellogg Sr	2284.98	2284.98

QC-356-2013	Stockton	066889-198.00-2-26.2.2	7510 /7512 Putnam Rd	Timothy J Ode	11127.16	11127.16
QC-357-2013	Stockton	066889-214.00-1-1.2	5003 Dean Rd	Timothy Ode	6610.09	6610.09
QC-358-2013	Stockton	066889-214.12-1-20	4566 W Railroad Ave	Thomas C Edington Tracy L Beckwith	2136.27	2136.27
QC-359-2013	Stockton	066889-230.00-2-16	6751 Coe Rd	Judith Ames	1616.01	1616.01
QC-369-2013	V/Westfld	067201-193.17-2-19	34 Bank St	Community Bank NA	4645.17	4645.17
QC-371-2013	V/Westfld	067201-193.17-2-8	29 Cottage St	Nancy Melissa Merriam	4685.88	4685.88
QC-373-2013	Westfield	067289-192.00-2-3	8070 E Lake Rd	Robert J Bentley Sheila L Bentley	14267.27	14267.27
QC-374-2013	Westfield	067289-192.15-1-17	Hawley St	Robert E Harris	1364.34	1364.34
QC-375-2013	Westfield	067289-192.15-1-20	7631 N Gale St	Robert E Harris	2580.66	2580.66
QC-376-2013	Westfield	067289-192.15-1-21	7631 N Gale St	Robert E Harris	5617.50	5617.50
QC-382-2013	Westfield	067289-260.00-2-36	5446 Sherman Rd	Joseph A Semanovich	11897.31	11897.31

Totals 951206.36 951206.36

Offer Number	Munic	S/B/L	Property Location	Purchaser	Offer Amount	Taxes Owing
PA-50-2013	C/Jmst.	060800-370.18-4-32	38 W 11th St	Renee Beardsley	2500.00	3609.77
PA-128-2013	C/Jmst.	060800-387.15-9-13	50 Hazzard St	William Allen Gurnari	15000.00	6517.69
PA-380-2013	T/Westfield	067289-208.10-4-32	7th Ave (Shorehaven)	Ernest Rammelt	100.00	588.50

Totals 17600.00 10715.96

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 24 Yes; 1 Absent – August 28, 2013

EMERG. RES. NO. 166-13  
Rejecting Amendment to Chautauqua County Administrative Code

At the Request of Legislator Whitney:

WHEREAS, by letter dated August 5, 2013, the Chautauqua County Executive promulgated an amendment to Section 5.00C of the Chautauqua County Administrative Code as set forth below:

**Section 5.00C Department of the Chautauqua County Home**

Unless leased, sold, transferred, or no longer authorized in the County budget pursuant to a resolution of the Chautauqua County Legislature, the

**Unlined Indicates New Language**

Chautauqua County Home shall be operated under the supervision of a Nursing Home Administrator, licensed and registered as required by New York State Law. Such Administrator shall serve at the pleasure of the County Executive and shall have total responsibility for operating the Chautauqua County Home including employment and discharge of staff members, admitting and discharging patients (subject to applicable New York State Law, rules and regulations and other policies set by the County Legislature). Maintenance of the County Home facilities may be through the Department of Public Facilities.

and

WHEREAS, pursuant to Section 3.02(b) of the Chautauqua County Charter, an amendment to the Administrative Code takes effect thirty (30) days after it is promulgated unless rejected by a 2/3 majority of the County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature rejects the amendment to the Chautauqua County Administrative Code promulgated by letter dated August 5, 2013 as set forth above.

Defeated – R/C Vote: 14 Yes; 10 No; 1 Absent (2/3 vote required) – (No's: Barmore, Borrello, Croscut, Hemmer, Himelein, Horrigan, Runkle, Stewart, Wendel, Gould) – August 28, 2013

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LOCAL LAW  
INTRODUCTORY NO. 9 - 13 (Print 2)  
CHAUTAUQUA COUNTY

A LOCAL LAW PROHIBITING THE USE OF TOBACCO, TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, AND HERBAL CIGARETTES ON ALL REAL PROPERTY OWNED OR LEASED BY THE COUNTY OF CHAUTAUQUA - (See text on page 233)

Adopted by Legislature 8/28/13 (Print 2)  
Public Hearing: 9/10/13  
Adopted as LL 4-13

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2<sup>nd</sup> Privilege of the Floor

Bonnie Peters, 8237 Glassglow Road, Cassadaga, N.Y. I am here representing CSEA. I am the President of Local 807 and the Executive Vice President of Unit 6300. I wished that I had five minutes worth of stuff to say but I don't. As we know, our current County Executive is leaving office as of November 15<sup>th</sup>. What is the rush to sell now? Why not wait until there is a new legislative body and a new County Executive to make these choices. What I have to say is, you know when I was a little kid and we were playing Monopoly at home and my brother got to be the banker and he won every time. I didn't try and change the rules because I didn't like what the outcome was and that is what is happening here. Just because people don't like what the outcome is, they are changing the rules midstream. Just because you don't like what the outcome is, you have to play fair and that is not playing fair. I'm sorry for what you guys have done tonight.

Mike Sullivan, 108 Cushing Street, Fredonia. Is this where you line up for a job as a lawyer for this group? Or is it just the place we need to bring in Jim Subjack in to represents us for the defamation that took place tonight? I am here as an attorney. I have been watching what has been

going on with the Public Service Commission. There was a big fan fair on August 16<sup>th</sup>, the deadline had approached, had passed for public comment on the Repower of Dunkirk. I am not sure all of you are aware that that deadline was not a hard deadline and that submission are still be accepted on a daily basis. The Public Service Commission since Friday has been hit with a hundred additional comments on the Public Service Commission's website. Of those 100, only four support the repower of Dunkirk. Of the 96 that oppose, they have attachments of multiple letters exceeding 2,886 opposed to it. Right now, there is a new postcard that is out that started appearing today which is basically feeding on National Grid's request and NYSAC's request that the Public Service Commission begin to look at ways of helping communities remediate the loss of the tax dollars. The fight is not over. I ask each of you when you get home tonight hit your emails, contact everybody you know, ask them to still comment and ask them to give an example of an economic impact that this will have. The Public Service Commission has to examine the economics. Not just the tax rate, the economics. What will \$400 a year more taxes cost you to give up? If you are one of those homes that is going to be a \$1,000 more to make up that tax loss, what will you be giving up? Maybe it's just a couple of pizza's, but those pizza's will affect the businesses that sell the pizza's. Maybe it's a little bit less stretching out your 30 day supply in a prescription. Make it 45 days, that is going to hurt. Physically and the pharmacies that are now selling those. Make it personal because if the Public Service Commission doesn't do this and doesn't approve it, it is going to acquire somebody to bring an Article 78 to challenge that action. And we need to give that person, whoever it is, the actual data, the information, the personal economic loss that can be argued to a Supreme Court Judge to get that changed and get a reversal of a negative declaration from the Public Service Commission. These 2,886 people keep reminding the Public Service Commission their job is to keep rates low. And they are hitting it hard. We can't give up the fight and we can't accept the fact that while we thought that August 16<sup>th</sup> was the deadline because it was not. So please ask your friends, ask you associates and yourselves to send in something, a personal economic plea, so the Public Service Commission has a full picture of what that will do and what that loss of tax revenue will mean to individuals. Thank you.

Christine Schuyler, Director of Health and Human Services. I am hoping that you are all aware of the situation that we've had in the County with Triple E positive mosquito pools in the Towns of Kiantone and Carroll. This is a very serious situation enough so that Dr. Shaw, the State Health Commissioner declared an imminent threat to public health. The only other time that that has happened since I have been here is H1N1 and before that, I don't think it happened, that I know of. So this is something that we all need to take very seriously. Take precautions and please spread that onto your constituents. What I really wanted to say tonight is thank you to Dr. Erlandson for his expertise and his support in helping us along in our work toward aerial spraying, educating the public and really helping us do what we needed to do in the best interest of public health. So, thank you.

Legislator Erlandson: You are welcome. (applaud)

Chairman Gould: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one –

MOVED by Legislator Barmore, SECONDED by Scudder and duly carried the meeting was adjourned. (8:42 p.m.)

Special Chautauqua County Legislature Meeting  
5:00 P.M.  
Monday, September 16, 2013  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 5:00 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent- Coughlin, James, Nazzaro, Stewart)

Legislator Rogers delivered the prayer and pledge of allegiance.

1<sup>st</sup> Privilege of the Floor

No one chose to speak at this time.

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RES. NO. 167-13

Additional Funding for the Obstruction Removal (R/W End 6, 15 & 33 Approaches) at the Dunkirk Airport

By: Public Facilities Committee:  
At the Request of: County Executive Gregory J. Edwards:

WHEREAS, the County Legislature, Airport Commission, New York State Department of Transportation (NYSDOT) and Federal Aviation Administration (FAA) have approved a project for the Chautauqua County Dunkirk Airport consisting of the Obstruction Removal Runway End 6, 15 & 33 Approaches, FAA AIP Project No. 3-36-0022-047-13; NYSDOT Project No. 5905.xx; and

WHEREAS, NYSDOT has offered a matching grant to the federal grant for 50% of the non-federal share of eligible costs; and

WHEREAS, the Chautauqua County capital budget for 2010 already included \$200,000.00 for this project, and

WHEREAS, the scope of the proposed project includes obstruction removal for runway 6, 15, and 33 of the Dunkirk airport and is now estimated at \$ 329,022.00 with a breakdown of funding as follows:

Federal (90%)	\$ 296,120
State (5%)	\$ 16,451
Local (5%)	<u>\$ 16,451</u>
Total Project	\$ 329,022

WHEREAS, the budgetary amounts should be amended to conform to these adjustments for FAA AIP Project No. 3-36-0022-047-2013 at the Chautauqua County Dunkirk Airport; and

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

RESOLVED, That Chautauqua County may enter into an agreement with the State of New York for financial assistance for the Obstruction Removal at Dunkirk Airport, and be it further

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

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

RESOLVED, That A Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----909	Fund Balance, Unreserved Fund Balance – Fund Balance	\$11,451
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes and establish capital accounts.

INCREASE APPROPRIATION ACCOUNT:

A.9950-----9	Interfund Transfers – Interfund Transfers	\$ 11,451
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INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25752.4	Contractual – Obst. Removal	\$ 129,022
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INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25752.R359.7001	State Aid: Airport Capital Grant	\$ 11,451
H.5610.25752.R459.2000	Federal Aid: Airport Federal Capital Grant	\$ 106,120
H.5610.25752.R503.1000	Interfund Transfer – Interfund Transfers	<u>\$ 11,451</u>
	Total	\$ 129,022

Signed: Himelein, DeJoe, Erlandson, Horrigan

Adopted w/ Legislators Ahlstrom, Rogers, Runkle, Heenan, Duff voting “no” – September 16, 2013

2<sup>nd</sup> Privilege of the Floor

Legislator Whitney: I hear one person say that it was for safety reasons we did this and Mr. Barmore says to make it more marketable. Maybe we ought to put a gas well in, just a thought.

Chairman Gould: Anyone else?

MOVED by Legislator Croscut, SECONDED by Legislator Wendel and duly carried the meeting was adjourned. (5:20 p.m.)

Chautauqua County Legislature  
 6:30 P.M.  
 Wednesday, September 25, 2013  
 Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent- DeJoe)

Legislator Runkle delivered the prayer and pledge of allegiance.

MOVED by Legislator Wendel, SECONDED by Legislator Scudder and duly carried the minutes were approved. (8/28 & 9/16/13)

1<sup>st</sup> Privilege of the Floor

Jeannie Polosito, Forestville, N.Y., resides in the Town of Hanover. On the agenda there is this Code of Ethics that is supposed to be voted on tonight and I would like it to be tabled and reassessed. Under legislative purpose it says here that this code is established for minimal standards and I think with the current level of people on the take within government and it says that you want the highest caliber but it seems that it's the lowest caliber of requirements for behaviors. In fact, I thought pretty much that it was very permissive and also seemed to be like an indemnification, where there was a loop hole to get out of everything. I didn't think that it showed people to be responsible and I think that it is a real move on the part of people to be held accountable and take that courage plunge. I had seen too much of people getting out of things and in my process of being in the midst of several altercations, I have in my possession altered documents by certain people. I do not like the fact that appointees become the arm or their leg of certain people within certain departments. I do not like the fact that committee heads or people in the committees seem to have a preference if they have to get something done. I don't think that is the American dream. It's a nightmare and I think that it needs to be reevaluated and (*inaudible*), if this is written by a male which I am assuming it is, but not necessarily, that I do not think that it takes the feminine voice in this mix. In order to have consequences, you have to stand up for right and I just don't feel that it is shown in this document. Today I went to church and one of these things, this Under God or nation was created with those precepts (*inaudible*) and you did vote on having Under God and all of that stuff so that is not out of line of what your preferences have said. You have laid down your precepts to be carefully kept. May my ways be firm in keeping your statues. So in order to say that you have courage, the first line is, God's line. That is the foundation of this country and to have anything that is weak and minimal really suggests too much permissiveness. We have to tighten the reigns. I don't think that \$14 million dollars in debt shows that you were accountable for your actions. To think that we have to make some money. Well, o.k., selling something that does provide a service up in the north County is very vital. How did this scull get out of hand? Who is in charge of our monies? I don't think that any person in the public wants to be overtaxed. So I do appreciate your attention on this matter. Please table or vote no and come up with something that has consequences. I know Governor Patterson did not sign the bill out of Albany and he said there were no teeth in the Code of Ethics out of Albany. One person's said, we take our direction from our local body of government from Albany. Well, let's kind of march to a different tune. Show a standard that can be acceptable and we can be proud of that we're not going to accept any more of this corruptive way. Thank you.

My name is David O'Conner, 26 Ohio Street in Jamestown. I know some of you here, Fred, Vince Horrigan. I have started a new enterprise so we have a new company in Chautauqua County. It's called the Chautauqua County Advertiser and Transcript and I had to come up with that name in order to copyright it because it's going to be known as the Cat, which you can't copyright obviously. It's going to be on-line. We're modeling ourselves after the Batavian and Genesee County. Howard Owens up there has been very generous with his time. We've already made a couple of hires. I think

that you will find that we will up to our motto of accurate reporting, lively opinion, affective advertising. I was hoping that it would be on-line today but I was told by people who know more than I do about it that we have a corrupt line of code and they are visually trying to fair it out that right now. The web address will be Chaucat.com and I think that you are going to like it. The Batavian has over 15,000 visitors a day and I'm not afraid to say that part of the Cat is we're going to copycat some of what the Batavian does. We also are going to give a much greater coverage to agriculture which is a very large industry in Chautauqua County. That was my first hire. I think that you'd be very pleased with who we hired. He works for the Milkweed Magazine and we're going to get some good stuff. One thing that I do want to say is that when we do set up interviews, we expect that will be what happens. I had a very unfortunate incident before I resigned amicably from my job as an independent contractor with this Ogden Newspaper about what I thought was an interview that didn't happen. Also, we'll be happy to print news releases. However, not without an interview. If you just want to have a plain news release, we call that an advertisement. I'd be happy to run it as such but there will be interviews. So, I hope that our relationships are business like. I won't say friendly because I think that's probably not always going to happen but certainly businesslike, polite, respectful. I have covered the Legislature back in the days of Stan Lundine's famous woodchuck empire which many in this room may not even remember but that was a pregnant phrase back when the town supervisors made up the Legislature.

Chairman Gould: That is three minutes sir.

Mr. O'Conner: So, it's Chaucat.com. I think that you will like it. It should be up and running tomorrow of Friday. Thank you.

Chairman Gould: Anybody else to speak to anything that is on the agenda? Seeing no one, I will close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 8/28 & 9/16/13

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PRESENTATION:

2014 CHAUTAUQUA COUNTY BUDGET  
BY COUNTY EXECUTIVE GREGORY J. EDWARDS

**(See hard copy of presentation in Clerk's office located in September's legislative folder or can be seen on the County's Internet site)**

6:45 P.M.

PUBLIC HEARINGS

RE: LEASE AGREEMENT W/ DUNKIRK AVIATION

Chairman Gould: We'll now open up the first public hearing (6:59/7:00 p.m.) on the lease agreement with Dunkirk Aviation. Is there anyone here to speak? Seeing no one, we'll close the public hearing.

RE: LEASE OF AIRPORT RESTAURANT AT JAMESTOWN

Chairman Gould: We'll now open up the first public hearing (7:00/7:01p.m.) on the lease of the airport restaurant in Jamestown. Is there anyone here to speak? Seeing no one, we'll close the public hearing.

## COMMUNICATIONS:

1. Proof of Publication – (2) Airport Public Hearing (Jmst./Dnk)
2. Letters (2) – County Exec. – Re: Appt. Sports Fishery Advisory/STOP DWI
3. Report – Fn. Director Marsh – Re: August Investment Report – 2013
4. Report – Budget Dir. Crow – Monthly Budget Performance Report-8/13
5. Report – Budget Dir. Crow – Qrtly. Dashboard Report – Ending 6/30/13
6. Letter – VestraCare – Re: Purchase Offer for County Home
7. Letter – Orchard Court Partnership Healthcare Re: Acquisition of Senior Care Facilities
8. Highlights – NYS Fish & Wildlife – June 2013
9. NYS Dept. of State – Ack. Receipt of LL 4-13
10. NYS Dept. of Taxation & Fn. – 2013 State Equalization Rates
11. Letter – Senator Young to Stow Family – Re: Bridge Dedication for PFC Stow & Other Honored Vietnam Veterans & Service Members
12. Letter – Southern Tier Builders – Re: Tabled Res. 163-13
13. Letter – Chaut. County Chamber of Commerce – Re: Tabled Res. 163-13

Clerk Tampo: The office of the Legislature is in receipt of the listed 11 communications on your agenda this evening. In addition, we have received two communications that came into the office today that is not listed. One from the Southern Tier Builders Association, Inc., regarding the proposed tabled resolution this evening, 163-13 and another from the Chamber of Commerce and the Manufacturers Association of the Southern Tier also regarding the same resolution 163-13.

Legislator Croscut: I'd like to have the last two read and one of them would be from the Manufacturers Association read into the record and the other one from the Southern Tier Builders Association read into the record.

Clerk Tampo: The Southern Tier Builders Association, Inc. of 65 East Main Street, Falconer, New York, 14733. Addressed to Jay Gould, Chautauqua County Legislature. Re: Proposed Legislation Local Labor and Materials.  
Dear Chairman Gould:

The Southern Tier Builders Association was recently made aware of the above referenced legislation. A copy of the legislation was distributed to our Board of Directors and discussed in detail at our regular Board of Directors meetings held last night.

The Southern Tier Builders Association represents over one hundred seventy contractors that reside and work in the very area that is described in the legislation as being local. Our members are a mix of general Contractors, sub-contractors and suppliers both union and non-union.

Last night the Board of Directors of the Association voted unanimously to oppose the legislation for many reasons. There are many faults with this legislation. To start with it is questionable as to whether or not, anyone could reasonably comply with the requirement for 90% of the materials being local as defined in the legislation. The legislation does nothing to promote commerce in the county and in fact, it may discourage outside developers from even considering Chautauqua County. To effectively police and enforce the law it would need to be done by an independent third party and would only cost time and money that could be better spent elsewhere. It is for these reasons and many more that we ask the Legislature to kill the proposed local labor legislation.

Should you have any questions or concerns I will be happy to answer them.

Sincerely, Bradley P. Walters, Executive Director, Southern Tier Builders Association, Inc.

Second Letter from Chautauqua County Chamber of Commerce and the Manufacturers Association of the Southern Tier; September 25, 2013; Mr. Fred Croscut, Planning & Economic Development Committee, Chautauqua County Legislature. Re: Resolution 163-13:

Dear Mr. Croscut:

On behalf of the Chautauqua County Chamber of Commerce and the Manufacturers Association of the Southern Tier I want to convey our concern regarding Resolution 163-13. We strongly support and encourage the use of local labor and the sourcing of local manufactured and locally distributed products where possible on local construction and development projects. However, as you are aware there are a variety of mandates that already complicate economic development projects. The cost of doing business in New York is significant and far exceeds other region in the United States. The structural costs of doing business in New York combined with governmental "red tape" create an environment where expanding business is hard to do and recruiting new business is even more difficult. Resolutions such as 163-13 bring with them unintended consequences of complicating development projects and adding costs. Instead of creating one more mandate on business development we should be identifying and implementing methods to make it easier for businesses to invest and grow and for new businesses to be attracted to our community.

The IDA's role is not to act as an employment agency for construction labor or sales agents for building suppliers. If these entities are competitively pricing their products and services the project developers will select the local option. The IDA needs to focus its limited resources on attracting and funding great projects for deployment here in Chautauqua County. Taking the IDA's limited resources to determine who is local and who is not from the local area is a poor business decision.

Thank you for your time and consideration of our concern with this resolution.

Todd J. Tranum  
President/CEO

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TABLED RES. NO. 163-13 – Request CCIDA to Adopt Local Labor and Supplier Policy for Projects Receiving CCIDA Financial Assistance (See page 263 for text)

MOVED by Legislator Whitney, SECONDED by Legislator Hoyer to bring it off the table.

TABLED RES. NO. 163-13 – R/C Vote: 10 Yes; 14 No; 1 Absent - (No's: Ahlstrom, Barmore, Borrello, Croscut, Heenan, Hemmer, Himelein, Horrigan, Runkle, Scudder, Stewart, Tarbrake, Wendel, Whitney) - DEFEATED

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RES. NO. 168-13  
Confirm Re-Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Public Facilities Committee:  
At the Request of Chairman Jay Gould:

WHEREAS, the Board of Directors of the South & Center Chautauqua Lake Sewer District has recommended the following re-appointment; therefore be it

RESOLVED, That the Chautauqua County Legislature confirm the following re-appointment to the South & Center Chautauqua Lake Sewer Districts Board:

Dale Robbins  
15 E. 5<sup>th</sup> St.  
Jamestown, N.Y. 14701  
Term Expires: 9/30/19

Signed: Himelein, DeJoe, Erlandson, Horrigan

Unanimously Adopted – September 25, 2013

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RES. NO. 169-13

Confirm Appointment - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Sports Fishery Advisory Board.

James J. Tunney  
1086 West Erie St.  
Irving, N.Y. 14081

Position last held by Lonnie Ray Palmer

Term Expires: 12/31/15

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello

Unanimously Adopted – September 25, 2013

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RES. NO. 170-13

Amending Lease Agreement with Dunkirk Aviation

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Dunkirk Aviation Management, LLC ("Dunkirk Aviation") and its affiliated companies provide fixed-based operator ("FBO") services at the Dunkirk airport owned by the County of Chautauqua; and

WHEREAS, Resolution 141-07 authorized and approved a twenty (20) year lease agreement with Dunkirk Aviation for Hangar 8 (the former Great Circle Aviation Hangar), and the leased premises included adjacent vacant land of 280 feet by 155 feet for the purpose of constructing new proposed hangar(s); and

WHEREAS, it was not feasible for the proposed new hangar(s) to be constructed, and the vacant land adjacent to Hangar 8 reverted back to the County under the terms of the lease, and

WHEREAS, Dunkirk Aviation now seeks to utilize a smaller portion of the adjacent vacant land in order to install and operate a self-service fuel dispensing system; and

WHEREAS, a proposed self-service fuel dispensing system would be economically beneficial to the County which receives 2% of all fuel sales under the terms of the lease agreement; and

WHEREAS, a public hearing as required by Article 14 of the General Municipal Law has been held by this Legislature regarding the proposed amendment of the lease; now therefore be it

RESOLVED, That the County Executive is hereby authorized to amend the existing lease agreement with Dunkirk Aviation to add back to the leased premises approximately 60 feet by 155 feet of the vacant land adjacent to Hangar 8 in order to allow Dunkirk Aviation to install a self-service fuel dispensing system; and be it further

RESOLVED, That all other terms and conditions set forth in Resolution 141-07 shall remain the same.

Signed: Himelein, Horrigan, DeJoe, Erlandson

Unanimously Adopted – September 25, 2013

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RES. NO. 171-13

Authorize Lease Agreement with Michelle Johnson for the Airport Restaurant

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

WHEREAS, the Airport Commission has considered and recommended that the County lease the Airport Restaurant Facilities to Michelle Johnson, 608 Winsor Street, Jamestown, New York 14701 for the operation of a cafe restaurant; and

WHEREAS, the necessary public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is authorized to execute a lease agreement with Michelle Johnson, 608 Winsor Street, Jamestown, NY 14701 for the Airport Restaurant Facilities at the County Airport in Jamestown upon substantially the following proposed terms and conditions:

1. Rent: Payment of the sum of \$200 per month due on the first day of each month;
2. Term: A one year term beginning on or about October 1, 2013;
3. Utilities: County to provide electric, gas and water; Tenant to pay for telephone and waste disposal service;
4. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Borrello, Wendel, Heenan

Unanimously Adopted – September 25, 2013

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RES. NO. 172-13

Adjust Capital Account H.1620.679 New Boiler – Ag. Center

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

WHEREAS, Chautauqua County owns the Frank W. Bratt Building (a.k.a Agricultural Center/Ag Center) located at 3542 Turner Rd. in the City of Jamestown; and

WHEREAS, the existing boiler for the heating system at the Ag Center has failed the last Jurisdictional Inspection for renewal of the Certificate of Operation due to corrosion and leaking, and,

due to the age of the existing boiler, it has been recommended that it be replaced with a new more energy efficient boiler by service technicians and engineers; and

WHEREAS, there is an existing capital project account H.1620.679 that was created for replacement of the existing boiler at the Ag Center, 29% of which has been used to pay for the now-completed engineering design phase of boiler replacement; and

WHEREAS, the construction services for the new replacement boiler were competitively bid and the lowest responsible bid received was \$61,360, which is greater than the \$28,548.26 amount remaining in capital account H.1620.679; and

WHEREAS, capital project H.1620.628 to replace the emergency generator at the Mayville campus was completed in 2012 and was completed below the expected budget with a balance of funds of \$110,960.58 remaining in the capital account; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following budgetary changes to transfer funds between capital accounts:

<u>DECREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.1620.628.4	Contractual - Emergency Generator	\$35,000
<u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.1620.679.4	Contractual - New Boiler – Ag Center	\$35,000
<u>DECREASE CAPITAL REVENUE ACCOUNT:</u>		
H.1620.628.R503.1000	Interfund Transfer – Interfund Transfers	\$35,000
<u>INCREASE CAPITAL REVENUE ACCOUNT:</u>		
H.1620.679.R503.1000	Interfund Transfer – Interfund Transfers	\$35,000

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Heenan

Unanimously Adopted – September 25, 2013

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RES. NO. 173-13

Re-Authorize JCC Capital Project – Acquisition of Land Adjacent to JCC Jamestown Campus

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

WHEREAS, pursuant to Resolution 32-11 and the adopted 2011 County budget, the County authorized capital project funding of \$100,000.00 for the acquisition of property adjacent to the Jamestown Campus of Jamestown Community College (JCC); and

WHEREAS, the JCC Regional Board of Trustees has selected and approved the purchase of a 50 acre parcel containing a 5,200 square foot house and small barn located at 2835 Curtis Street Extension in the Town of Ellicott directly across the street from the western boundary of the Jamestown Campus and the northern border of the Roger Tory Peterson Institute (RPTI) premises recently acquired by JCC; and

WHEREAS, acquisition of the subject property provides an opportunity for future campus expansion, enhanced community use similar to the use of the Sheldon House facility, enhanced and

expanded program instructional opportunities, and for work-shop space and equipment storage in the barn on the property; and

WHEREAS, the State of New York has matching funds potentially available for one-half of the maximum cost of \$450,000.00 for the acquisition, and JCC has sufficient funds for the remaining one-half of the cost of the acquisition, to include the \$100,000.00 previously approved pursuant to Resolution 32-11 and the adopted 2011 County budget; and

WHEREAS, Section 6310(10) of the Education Law requires that all proposals for the acquisition of college facilities adopted by a community college regional board of trustees be approved by the legislative body of all local governments appointing members to such board of trustees; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby re-authorizes the aforementioned JCC capital project for JCC's Jamestown campus previously approved pursuant to Resolution 32-11 and the adopted 2011 County budget with a County contribution of \$100,000.00, for the purchase of a parcel located at 2835 Curtis Street Extension in the Town of Ellicott.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Runkle, Nazzaro, Heenan

Unanimously Adopted – September 25, 2013

RES. NO. 174-13

Accept New York State Local Government Records Management Improvement Fund (LGRMIF) Funds to Digitize Paper Indexes and Records in the Office of the County Clerk

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 digitization of paper indexes and records in the amount of \$62,400.00; and

WHEREAS, the County Clerk will use the grant proceeds to contract with IQS to add digital records to the County Clerk's existing electronic records management system; and

WHEREAS, it is appropriate to accept these grant funds to allow researchers to access County records electronically; therefore be it

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 \$62,400.00, and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

<u>INCREASE CAPITAL APPROPRIATION ACCOUNT:</u>		
H.1410.569.4	Contractual – Archival Records Mgt System	\$62,400
<u>INCREASE CAPITAL REVENUE ACCOUNT:</u>		
H.1410.569.R306.0000	NYS Aid – Records Mgt Improvement Grant	\$62,400

Signed: Scudder, Barmore, DeJoy, Cornell, Tarbrake, Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

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RES. NO. 175-13

Amended Participant's Share of 2014 Chautauqua County Self-Insurance Plan Costs

By Administrative Services Committee:

At the Request of County Executive Gregory J. Edwards:

RESOLVED, That pursuant to the Workers' Compensation Law and Local Law No. 4, Chautauqua County, New York 1984, as amended, the following amounts shall be apportioned, in 2014 to each participant based on forty percent (40%) of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) on the loss percentile experience of the participants as provided in said plan and by the Workers' Compensation Law, and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2014.

Towns					
Arkwright		\$45,734.85	Harmony		\$32,493.84
Busti		\$63,741.97	Kiantone		\$21,273.54
Carroll		\$25,056.48	Mina		\$37,001.12
Charlotte		\$11,094.75	N Harmony		\$60,990.52
Chautauqua		\$155,426.07	Poland		\$75,717.87
Cherry Creek		\$16,215.59	Pomfret		\$61,380.65
Clymer		\$10,618.96	Portland		\$45,302.72
Dunkirk		\$26,906.28	Ripley		\$25,243.72
Ellery		\$99,763.13	Sheridan		\$54,204.22
Ellicott		\$137,310.29	Sherman		\$8,039.77
Ellington		\$9,863.31	Stockton		\$25,501.90
French Creek		\$17,132.60	Villanova		\$14,530.29
Gerry		\$10,650.16	Westfield		\$23,494.45
Hanover		\$71,800.98			
Villages / Cities					
Bemus Point		\$10,083.70	Mayville		\$19,051.11
Brocton		\$12,389.17	Panama		\$2,075.16
Cassadaga		\$6,327.80	Sherman		\$3,769.16
Celoron		\$5,933.66	Silver Creek		\$63,213.76
Cherry Creek		\$1,821.63	Sinclairville		\$2,494.89
Falconer		\$18,246.87	Westfield		\$90,458.55
Forestville		\$3,164.65			
Fredonia		\$199,517.96	Dunkirk (City)		\$275,957.98
Lakewood		\$35,364.29	Jamestown (City)		\$978,217.14
Chautauqua County		\$2,285,422.49			

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell, Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

RES. NO. 176-13  
Amend Rules & Regulations of the Chautauqua County Legislature

By Administrative Services Committee:  
At the Request of Legislator Hoyer:

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 88-10; and

WHEREAS, it is appropriate that the Rules and Regulations be further amended;  
Therefore be it

RESOLVED, That Subdivision A of Rule 1 of Section I of the Rules and Regulations of the Chautauqua County Legislature is hereby amended as follows:

SECTION I — LEGISLATURE

Rule 1. Meetings

A. The Legislature shall annually hold its organizational meeting on the first business day of January at 4:00 P.M. in the Chautauqua County Legislative Chambers, Gerace Office Building, Mayville, New York. At this meeting the Clerk shall preside and the first order of business shall be the election of a Chairman of the Legislature for the ensuing year. The election is conducted by nominations from the floor. A roll call vote shall be taken by each Legislator stating the name of the nominee he or she wishes. The Legislature shall then proceed with the appointment of a Clerk and Secretary to the Legislature. At the first meeting in January, the Legislature may by resolution, delegate the authority to the Chairman to approve certain correction of errors of \$2,500. or less to the tax levy pursuant to Section 554 & 556 of the New York State Real Property Tax Law. On or after the date of the organizational meeting, but prior to the regular January meeting of the Legislature, all newly elected legislators shall be required to attend an orientation by legislative support staff and legislative counsel to include a summary of the most pertinent laws, regulations, and procedures pertaining to the organization, budget, and legislative process of County government.

and be it further

RESOLVED, That Subdivision C of Rule 7 of Section II of the Rules and Regulations of the Chautauqua County Legislature are hereby amended as follows:

Rule 7. Functions and Powers of Committees

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

Administrative Services  
Audit and Control  
Human Services  
Planning and Economic Development  
Public Facilities  
Public Safety

In addition, there shall be a standing Leadership Committee of the County Legislature made up of the Chairman, Majority Leader, Minority Leader, Assistant Majority Leader, and Assistant Minority Leader. All Leadership Committee meetings shall be open to the public, and a written transcript of all Leadership Committee meetings shall be produced.  
and be it further

**Underlined Indicates New Language**

RESOLVED, That Subdivision A of Rule 2 of Section III of the Rules and Regulations of the Chautauqua County Legislature is hereby amended as follows, and a new Rule 5 and a new Rule 6 are added to Section III:

SECTION III — DUTIES AND RESPONSIBILITIES

Rule 2. Duties of Chairman of the Legislature

- a. The Chairman shall preserve order and decorum, and shall decide all questions of order. His or her decision is final unless an appeal is taken to the Legislature, in which case his or her ruling may be over-ridden by a two-thirds majority of the membership of the Legislature. He or she shall appoint ~~the members of all standing committees, Chairman and Vice Chairman of committees, Ranking Member of the minority party with the advice of the minority leader,~~ and legislative representation to all special committees, boards and commissions, which are the responsibility of the Legislature.

Rule 5. Duties of the Majority Leader and Minority Leader

In addition to any other prescribed duties and activities, the Majority Leader and Minority Leader shall appoint by mutual agreement the members of all standing committees, Chairman and Vice Chairman of committees, and Ranking Member of the minority party of committees.

Rule 6. Duties of Legislative Counsel

In addition to any other prescribed duties and activities, Legislative Counsel shall, prior to drafting a local law, resolution, or motion that has been requested by a Legislator, provide all other Legislators with notice of the requested legislation.

Signed: Hoyer, Cornell (Defeated in A.S. w/ Scudder, DeJoy, Tarbrake, Barmore voting "no")

Defeated – September 25, 2013

RES. NO. 177-13

Increase Appropriation and Revenue Accounts for Pistol Permit Operations

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

WHEREAS, the County Sheriff's Office receives revenue from pistol permit applicants and incurs fees for processing the fingerprints and related criminal histories for pistol permit applicants; and

WHEREAS, the County Sheriff has observed a dramatic increase in pistol permit applications, and this increase has caused revenues and expenses to exceed budgeted amounts; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.3114.1	Personal Services – Pistol Permit	\$11,073
A.3110.3114.4	Contractual – Pistol Permit	\$58,080
A.3110.3114.8	Employee Benefits – Pistol Permit	<u>\$ 847</u>
		\$70,000

**Strikethrough Indicates Deletion - Underlined Indicates New Language**

INCREASE REVENUE ACCOUNT:

A.3110.3114.R254.5000 Licenses & Permits - Licenses \$70,000

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

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RES. NO. 178-13

Authorize Extension of License Agreement with United States Department of Justice for Space on the Tower in the Town of Ellery

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

WHEREAS, the United States Department of Justice desires to extend its license and use of space for the maintenance of equipment on the communications tower in the Town of Ellery for use by the Federal Bureau of Investigation; and

WHEREAS, the County continues to have the space available and is willing to extend such use and license upon certain terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into a license agreement with the United States Department of Justice for use by the Federal Bureau of Investigation upon the following terms and conditions:

- Term: One year base term beginning October 1, 2013 through September 30, 2014 with nine (9) additional one-year option periods.
- Rent: Eight hundred seventy-three 54/100 dollars (\$873.54) per month for the first year with an additional annual increase of three percent (3%) for each of the following years.
- Other: Such other terms as may be negotiated by the County Executive.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

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RES. NO. 179-13

Authorize Agreement with Town of North Harmony for 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 court security officers on designated court nights during the 2014 calendar year; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2014 through December 31, 2014, for an estimated cost not to exceed \$6,000.00 based on an hourly rate of \$27.64; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of North Harmony for court security as set forth above, with revenues to be credited to revenue account A.1162.1110.R226.000.

Signed: Duff, Whitney, Wendel, Hemmer, Coughlin, Runkle, Nazzaro, Heenan, Himelein  
Unanimously Adopted – September 25, 2013

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RES. NO. 180-13  
Adjust Accounts for OFA Vehicle Replacement

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

WHEREAS, the Chautauqua County Office for the Aging (OFA) has received an insurance payment in the amount of \$12,879.58 for damage caused to one of its vehicles involved in an accident; and

and WHEREAS, these funds are to be appropriated to assist in the replacement of the vehicle;

WHEREAS, it is necessary to amend the 2013 County Budget in order to properly account for these funds; therefore be it

RESOLVED, That the Director of Finance be, and is hereby directed, to make the following 2013 budgetary changes:

ESTABLISH & INCREASE APPROPRIATION ACCOUNT:

A.6772.----.3	Depreciable Equipment – Office for the Aging	\$12,880
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INCREASE REVENUE ACCOUNT:

A.6772.R268.0000	Sale of Property/Compensation – Insurance Recoveries	\$12,880
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Signed: Tarbrake, James, Horrigan, Hoyer, Hemmer, Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

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RES. NO. 181-13  
Authorizing Allocation of Remaining 2% Occupancy Tax Funding for 2013 Projects to the Findley Lake Watershed Foundation

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Findley Lake has a source of water seeping through the breakwall that is currently undermining the stability of the dam, and requires immediate emergency action; and

WHEREAS, there may be a risk associated with a leaking dam with the potential to threaten human health/life and economic stability in the area; and

WHEREAS, The Findley Lake Watershed Foundation is seeking funding to hire a professional engineering firm (Hill Engineering) to complete the following: (1) Determine the source and extent of the leak(s); (2) Identify potential risks to human health and property; (3) Provide a summary report that highlights conceptual design alternatives with associated cost estimates; and

WHEREAS, the engineering assessment and summary report will cost approximately \$49,440; and

WHEREAS, The Findley Lake Watershed Foundation and the Town of Mina do not have the funding resources available to undertake such a project; and

WHEREAS, the residents in the Findley Lake area would benefit from the allocation of additional funds to the Findley Lake Watershed Foundation in the amount of \$5,000 from the 2% Occupancy Tax; and

WHEREAS, the Chautauqua County Legislature adopted the prioritized recommendations for Waterways Panel projects to be completed with the 2013 2% Occupancy Tax by Resolution 25-13 and 78-13; and

WHEREAS, pursuant to Resolution 109-11, if during the annual implementation of the approved lake and stream protection and enhancement projects circumstances or new information arises that prevent a project from being undertaken the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project. If no project exists on the annual prioritization list that can viably begin and be completed within the fiscal year the funds from the original project will be returned to the reserve fund for Lakes and Waterways; and

WHEREAS, the approved 2013 2% Occupancy Tax Projects (Resolution 25-13 and 78-13) did not utilize the entire funding allocation for 2013 projects, leaving a balance of \$6,080.00; and

WHEREAS, there were no additional 2013 projects recommended by the Waterways Panel for funding with the 2% Occupancy Tax; and therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes the allocation of \$5,000 from the 2013 2% Occupancy Tax Projects account to the Findley Lake Watershed Foundation for the Findley Lake Dam Engineering Assessment Project.

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello, Himelein, Runkle, Nazzaro

Unanimously Adopted – September 25, 2013

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RES. NO. 182-13  
2014 Distribution of the 3% Occupancy Tax to Various Organizations

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the County of Chautauqua established an Occupancy Tax Program by Local Law 12-03 pursuant to Chapter 366 of the Laws of 1989 of the State of New York; and

WHEREAS, it is appropriate for the County to make plans for the use of the Occupancy Tax net proceeds; and

WHEREAS, pursuant to Resolution 94-13, the Occupancy Tax Tourism Panel has carefully reviewed and prioritized requests for the Occupancy Tax funding for 2014 for the promotion and development of tourism; therefore be it

RESOLVED, That the following organizations be awarded the following amounts of Occupancy Tax funds in the 2014 County Budget:

- Lucy Town Half Marathon & 5K, 10/10-10/12/14 \$7,260
- Tri Dunkirk Triathlon, 8/24/14 \$7,180
- Jamestown Regional Celtic Festival, 8/22-8/24/14 \$6,500
- Dunkirk Festival Series, summer 2014 \$6,460
- Lawson Boating Heritage Center \$2,200
- Northern Chautauqua Co. Regional LWRP \$5,380
- Healthcare In America Forum, Chautauqua Institution 8/18-8/22/14 \$2,680
- Great Lakes Experience Festival, mid-June 2014 \$2,660

Signed: Croscut, Ahlstrom, Rogers, Heenan, Borrello, Runkle, Nazzaro, Himelein

Unanimously Adopted – September 25, 2013

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RES. NO. 183-13

Authorize Clerk of the Legislature to Publish Notices- Re: Public Hearings on 2014 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman

By Audit & Control Committee:  
At the Request of Chairman Jay Gould:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2014 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 23, 2013 at 2:00 P.M. and 6:30 P.M. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in notice of public hearing on Tentative Budget that the 2014 salary of each Legislator shall be no more than \$9,000, that the Chairman of the Legislature shall be paid no more than \$8,000 in addition to his Legislator's salary and that the following positions be additionally compensated no more than the amounts indicated nor for more than one of the positions listed, over and above the basic Legislator's salary.

Majority Leader	\$1000.00
Minority Leader	\$1000.00

(1) Assistant Majority Leader	\$ 500.00
(1) Assistant Minority Leader	\$ 500.00
Each Committee Chairman	\$1000.00
Ranking Members	\$ 250.00

Signed: Runkle, Nazzaro, Heenan, Himelein

Unanimously Adopted – September 25, 2013

#### 2nd Privilege of the Floor

My name is Dale Reynolds, 52 Burden Avenue, Ripley, New York. As you can see on my shirt here, I'm already being abused. I have been abused since I retired in 2004 from 40 years in the computer industry. I was in jail in Erie for 14 months because my former wife put the screws to me royally. I did nothing to her whatsoever. I came to Ripley two years ago and have nothing but trouble from the Ripley Judge. Right now I have a letter from you people about my taxes, my house will be taken for taxes. I owe \$5,000 for the last two years. I cannot pay it because I have been in jail too long. Every month that I am in jail it costs me \$2,000 Social Security. I want some help.

I don't know anybody in this room except good ole David from Dunkirk. I know one of the other Legislators from Westfield one time. I have (*inaudible*) Andy Goodell's office, Cathy Young's office and Mr. Reed's office. What happened, I went to a meeting in Ripley, a banquet on May 15<sup>th</sup>. Vera Husted had protection around me. I was not allowed to be there. I was there with my Pastor of the Methodist Church, Baptist Church, and Presbyterian Church. I did nothing. She said that I was within 5 feet of her and she was unable to give her talk because she was very nervous that I was there because she had a protection order on me. She left to go home and she said she was very nervous because Dale was there. I didn't do a thing to the woman and the next thing was they arrested me on June 9<sup>th</sup> for being there. This has cost me a couple thousand dollars. That is why I can't pay my taxes. Back a year ago when I was arrested by her for another nonsense, I had a 2009 PT Cruiser. My boy lent it to a guy in North East and he trashed it, \$10,000, and I ended up with a piece of junk from DeHaven. I am hurting bad. I have a penny saver out in Westfield, I do 235 houses every Saturday morning in order to buy gas. I tell you, I am tired of Ripley. It's nothing but the Hatfield and McCoy's. I want out of Ripley. I am selling out. I have my house up for sale and all my belongings. I'm headed for Ohio. I can't stand the taxes in New York State and I can't stand the two faced people in Pennsylvania. By the way, why I am going to Ohio is, there is a fellow named Steve Regruth(?). He has colon cancer and chest cancer. Forty four years old. He was in Twin Brook in Erie there some time ago and there is a guy from Dunkirk there, his roommate. Seventy one years old. I don't know why he is in Twin Brook. He should be in Dunkirk, at your County Home. He is a disaster up there. He worked at Niagara Mohawk, he's from Dunkirk, and he's up in Erie to have dialysis. You have a dialysis center up in Dunkirk. So that is my story and if you can give me help, I would appreciate it. By the way, I would like ask the council to give me a break on my taxes on the penalties that they have been given me for the last two years. Yes, I will pay them when I get the money and where the money is coming from, I don't know. Thank you.

Jeannie Polisoto, resides in the Town of Hanover. Owns property in Forestville. When it comes to people being ethical that is sort of like a treat. I haven't experienced that as yet, having been involved in a lot of different things. This man, obviously has some trouble and how did he get there? Nobody listens to him. I don't understand why people find it difficult to be accountable for their actions and yet this minimal standard for ethical which says is very permissive, whatever this County Legislature does, there are no consequences as to what happens and basically it says here, it's o.k. for you to be a board member of a non-profit. It's alright for this but I don't know what that has to do with what happens when you kind of slip up. The networking that goes on among these people is certainly an advantage to your future if there is one. To me, to make this a stepping stone or a possibility in the future for you is not agreeable with me and I don't think with other taxpayers. I don't

get why having ethics because ethics is just the (*inaudible*) of what everything happens here and this partisanship voting Republicans and the Democrats it's just obvious and Mr. Hoyer's comment about trying to get some common ground here. I find that kind of upsetting that some part of what he had proposed is not acceptable to the Republicans. Now, I am not a Republican. I am just for integrity of the people that work and that they show a certain amount of courage and stand up for what is right. I don't see that as a given. It seems to be along party lines and to me since I tend to be more open, if I had to go to someone that is a Republican, I am going nowhere. So, it's kind of close here, maybe 60/40 so all of the party that's not in, gets nothing or who's in gets something. The ones that are out and the in, I don't think that is right. I pay my taxes. I should be represented. If there is an issue at hand which I said I have in my possession documents from different legislative – or municipalities that have been tampered with. I think that is an egregious act and nobody will be held accountable for this type of behavior and I have those documents (*inaudible*), I have never seen such poorly kept documents in my life.

Chairman Gould: That is three minutes.

Ms. Poliso: Fine, I think you know this is kind of extraordinary for me to see people not accountable.

My name is Ben Haskins, 1982 Peck-Settlement Road in Jamestown. That is in the Town of Ellicott. You just listed to Dale Reynolds. He forgot one of his complaints and I sympathize with Mr. Reynolds. Apparently he has been picked up twice in a school zone. Sometimes it's very difficult to see that it is a school zone until you are into it and he's of course, hard pressed for money. He probably was in a hurry but he was speeding, according to the police officer he was speeding and the zone. Of course, he is going to have to see the judge and so forth but he's had an awful lot of problems with the police. I guess they get to be familiar with some people and he's an easy arrest. He is the kind of guy I would like to arrest if I was policeman. He's easy. He's just going to lay down and pay the fine, that's all. He's not like me.

Ms. Kitty Crow, Fredonia, N.Y. I just wanted to mention to everyone that the presentation tonight as well as the budget book will be available on the internet site. We forgot to mention that earlier and just wanted to let you know.

Chairman Gould: Is there anyone else to speak to the 2<sup>nd</sup> privilege of the floor?

MOVED by Legislator Croscut, SECONDED by Legislator Scudder and duly carried the meeting was adjourned. (7:35 p.m.)

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LOCAL LAW  
INTRODUCTORY NO. 10-13  
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:

SECTION I. Local Law 3-90 of the County of Chautauqua, entitled "A Local to Establish a Code of Ethics for Chautauqua County," as amended, is hereby further amended by substitution to state as follows:

Section 1.            Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.
2. "Appear" and "appear before" mean communicating in whatever form, whether personally or through another person.
3. "Business dealing" means:
  - a. having or providing any contract, service or work with a municipality;
  - b. buying, selling, renting, leasing or otherwise acquiring from or dispensing to the County any goods, services or property; or
  - c. applying for, petitioning, requesting or obtaining any approval, grant, loan, license, permit or other privilege from the County.
4. "County officer or employee" means any officer or employee of the County, whether paid or unpaid, including public officials and all other members of any agency of the County, but does not include a judge, justice, officer or employee of the Unified Court System.
5. "Family member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, dependent, and household member of a County officer or employee.
6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.
7. "Public official" means any official who has discretionary authority, either alone or as a member of an agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4 . Conflicts of Interest of County Officers and Employees

1. No County officer or employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another person to do such acts, including:
  - a. act or appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County officer or employee or act or appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
  - b. ask for or accept any gift or financial benefit having a value of seventy-five dollars (\$75.00) or more per year from any person, other than a family member, who the County officer or employee knows is considering or has had any transactions with the county that involves any discretionary act by the County officer or employee. A County officer or employee may not ask for or accept from any person a gift or financial benefit where it might reasonably be inferred that such gift or financial benefit was intended to influence or could reasonably be expected to influence the County officer or employee in any discretionary action or was intended as a reward for any official action on the part of any County officer or employee.
  - c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit for:
    - (i) himself or herself;
    - (ii) a family member;
    - (iii) any partnership or unincorporated association of which the County officer or employee is a member or employee or in which he or she has a proprietary interest;
    - (iv) any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
    - (v) any person with whom the County officer or employee or his or her family member has an employment, professional, business, or financial relationship; or
    - (vi) any person from whom the County officer or employee, or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than one thousand dollars (\$1,000.00) per year.
  - d. solicit directly or indirectly any non-elected officer or employee of the County or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.

- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other person.
- f. after termination of his or her term of office or employment with the County, appear before the County or receive compensation for any services rendered on behalf of any person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County officer or employee shall for two years after the termination of employment appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

- h. act or appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself or herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County officer or employee shall appear before any County department or agency which employs such public official except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County officer or employee or any other person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County officer or employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County agency from acting or appearing for a third party regarding a matter unrelated to the business of their County agency, nor prohibit a County officer or employee who is an elected public official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or

- c. appoint an officer or employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County officer or employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County officer or employee.

Section 5. Use of County Resources

The use of County resources by County officers and employees shall be in compliance with County policies and procedures.

Section 6. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County officer or employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 7. Transactional Disclosure and Recusal

1. Whenever a County officer or employee is requested or required to take any action on a matter before the County and, to his or her knowledge, either the performance or nonperformance of that action would provide a pecuniary or material benefit to himself or herself or to any related person different from that which would be derived from the action by reason of its general application to a broad class of persons deriving such benefit, the County officer or employee shall not participate in that matter. A County Legislator shall advise the legislature of such interest and request permission to abstain from voting. The County officer or employee, other than a County Legislator, also shall file promptly with his or her immediate supervisor, if any, and with the County Clerk, a signed statement disclosing the nature and extent of that interest.

2. For purpose of this section, "related person" means:

- a. a family member;
- b. any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
- c. any person with whom the County officer or employee or his or her family member has an employment, professional, business or financial relationship; and
- d. any person from whom the County officer or employee, or his or her spouse, has received within any twelve (12) month period during the previous twenty-four (24) months, a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000).

3. Nothing in this section shall be construed to prohibit a County officer or employee from performing any ministerial act or to require a County officer or employee to file a disclosure statement pursuant to paragraph one of this section prior to performing any ministerial act.

Section 8. Annual Disclosure

1. All public officials who are elected or paid shall file with the Board of Ethics, by depositing with the Office of the County Executive, a signed annual disclosure statement utilizing the disclosure statement form filed with the Clerk of the County Legislature on September 10, 2013:

- a. within thirty (30) days of taking office; and
- b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the public official shall file a signed amendment to the statement indicating the change. The Board of Ethics shall have free and unlimited access to all forms at all times.

2. If a public official who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Board of Ethics shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the statement with the County Clerk.

Section 9 . Maintenance of Disclosure Statements

Transactional disclosure statements filed pursuant to this Code of Ethics and annual disclosure statements filed shall be public records, indexed and maintained on file for at least seven (7) years, in an appropriate manner by the County Clerk. The County Clerk shall promptly transmit a copy of all disclosures statements to the Ethics Board upon request.

Section 10 . Lists of Public Officials; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

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

Administrative Assistant  
 Administrator, Chautauqua County Home  
 Assistant Construction & Maintenance Supervisor  
 Assistant County Attorney  
 Assistant Deputy Director of Public Facilities (Buildings & Grounds)  
 Assistant District Attorney  
 Assistant Public Defender  
 Assistant Social Services Attorney  
 Assistant to Commissioner of Social Services  
 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 Director of the Youth Bureau  
Deputy Probation Director II  
Deputy Public Health Director  
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 & Human 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 South & Center Chautauqua Lake Sewer Districts  
Director of Veterans Service Agency  
Director, Chautauqua County Youth Bureau  
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  
 Second Assistant Social Services Attorney  
 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.

2. Before May 15th of each year, the County Executive shall verify that every affected public official has filed his or her annual disclosure statement.

3. Failure of the County Executive or the elected officer to comply with this section shall not relieve any public official who is elected or paid from his or her duty to file an annual disclosure statement pursuant to this Code of Ethics.

4. All officials and employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual training, to be implemented by the County Department of Human Resources at the time of hire for new employees, and to be held between January 1 and March 30 of each year for existing employees, to inform and educate them as to the requirements of this Code. All those subject to the requirements of this Code are also to receive an updated and current version of this Code, or other appropriate training material, immediately prior to or during their annual training.

Section 11. Inducement of Violations

Any person, whether or not a County officer or employee, who intentionally induces any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions.

2. Any County officer or employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County officer or employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Board of Ethics shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Board of Ethics shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County officer or employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms, with three terms expiring in odd years and two terms expiring in even years. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with public officials the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;

- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County officer or employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- g. Prepare an annual report and recommend changes or improvements to the Code of Ethics;
- h. Perform such other related duties as requested by the County Executive;
- i. Meet at least four times a year, and publish notice of meetings and the names of Ethics Board members in the County's official newspapers. In addition, notice of meetings shall be furnished to radio stations located in the County; and
- j. Arrange for a separate post office box for the Board of Ethics, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

SECTION II. This Local Law shall become effective upon filing with the Secretary of State.

Mailed: 9/13/13

Adopted by Legislature: 9/25/13

R/C Vote: 24 Yes; 1 Absent

Public Hearing by County Executive: 10/9/13

Adopted as LL 5-13

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LOCAL LAW  
INTRODUCTORY NO. 11-13  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 2-08 OF THE COUNTY OF CHAUTAUQUA IMPOSING A  
TAX ON THE OCCUPANCY OF HOTEL OR MOTEL ROOMS

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

1. Purpose. Pursuant to a home rule request by the Chautauqua County Legislature, the New York State Legislature adopted Chapter 128 of the Laws of 2013 authorizing the County of Chautauqua to continue a 5% tax on the occupancy of hotel or motel rooms until November 30, 2015. This local law amends Local Law 2-08 of the County of Chautauqua to confirm the extension of the 5% occupancy tax. This local law also amends Local Law 2-08 to clarify the authority of the County's

Director of Finance to adjust amounts due under the local law, including penalties and interest, and makes minor edits and corrects typographical errors in the original law.

2. Amendment of Local Law 2-08.

Local Law 2-08 of the County of Chautauqua is hereby amended by substitution to read as follows:

SECTION 1. SHORT TITLE

This local law shall be known as the Chautauqua County Occupancy Tax Law.

SECTION 2. INTENT

The intent of this local law shall be to promote Chautauqua County in order to increase tourism and convention business in the County.

SECTION 3. TEXT

1. Definitions
2. Imposition of Tax
3. Transitional Provisions
4. Exempt Organizations
5. Territorial Limitations
6. Registration
7. Administration and Collection
8. Records to be Kept
9. Returns
10. Payment of Tax
11. Determination of Tax
12. Disposition of Revenues
13. Refunds
14. Reserves
15. Remedies Exclusive
16. Proceedings to Recover Tax
17. General Powers of the Director of Finance
18. Administration of Oaths
19. Reference to Tax
20. Penalties and Interest
21. Returns to be Secret
22. Notice of Limitations of Time
23. Separability

1. Definitions.

When used in this local law, the following terms shall mean:

- (a) Person. An individual, partnership, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.
- (b) Operator. Any person operating a hotel or motel in the County of Chautauqua, including but not limited to, the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee, management company, or any other person otherwise operating such hotel or motel.
- (c) Hotel/Motel. The term "hotel" or "motel" shall mean a "hotel" as defined in § 1101 of the Tax Law and § 527.9 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended, governing the imposition of the New York State

Sales Tax, provided, however, that the "bungalow exemption" set forth in §527.9(e)(5) of said Title 20, as it may be further amended, shall not apply to the imposition of the Chautauqua County Occupancy Tax.

- (d) Occupancy. The use or possession, or the right to use or possession of any room in a hotel or motel.
- (e) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel or motel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.
- (f) Permanent Resident. Any Occupant of any room or rooms in a hotel or motel for at least thirty (30) consecutive days shall be considered a permanent resident with regard to the period of such occupancy.
- (g) Rent. The consideration received for occupancy valued in money, whether received in money or otherwise.
- (h) Room. Any room or rooms of any kind in any part or portion of a hotel or motel, which is available for or let out for any purpose other than a place of assembly.
- (i) Return. Any return filed or required to be filed as herein provided.
- (j) Director of Finance. The Director of Finance of Chautauqua County.

2. Imposition of Tax.

On and after January 1, 2008 until November 30, 2015, there is hereby imposed and there shall be paid a tax of five percent (5%) upon the rent for every occupancy of a room or rooms in a hotel or motel unit in the County except that the tax shall not be imposed upon (1) a permanent resident, or (2) exempt organizations as hereinafter set forth. Thereafter, the occupancy tax imposed shall continue to be the maximum percentage amount authorized by the New York State Legislature. Except as otherwise provided in this local law, the imposition of such tax shall apply to occupancies in the same manner as the New York State Sales Tax as set forth in applicable sections of the Tax Law and § 527.9 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended.

3. Transitional Provisions.

The tax imposed by this local law shall be paid upon any occupancy on and after the first day of January, two thousand eight, although such occupancy is pursuant to a prior contract, lease or other arrangement. Where rent is paid on a weekly, monthly, or other term basis, the rent shall be subject to the tax imposed by this local law to the extent that it covers any period on and after the first day of January, two thousand eight.

4. Exempt Organizations.

(a) Except as otherwise provided in this section, any use or occupancy by any of the following shall not be subject to the tax imposed by this local law.

- (1) The State of New York, or any public corporation (including a public corporation created pursuant to agreement or compact with another state or the Dominion of Canada), improvement district or other political subdivision of the State;
- (2) The United States of America, insofar as it is immune from taxation;
- (3) Any corporation, or association, or trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, or educational purposes, or for the prevention of cruelty to children or animals, and no part of the net earnings of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; provided, however, that nothing in this paragraph shall include an organization operated for the primary purpose of carrying on a trade or business for profit, whether or not all of its profits are payable to one or more organizations described in this paragraph.

(b) Where any organization described in paragraph (3) of subdivision (a) of this subsection carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of said activities, it operates a hotel or motel, occupancy of rooms in the premises and rents therefrom received by such corporation or association shall not be subject to tax hereunder.

5. Territorial Limitations.

The tax imposed by this local law shall apply only within the territorial limits of the County of Chautauqua.

6. Registration.

Within ten (10) days after the effective date of this local law, or in the case of Operators commencing business after such effective date, within three (3) days after such commencement or opening, every Operator shall file with the Director of Finance a certificate of registration in a form prescribed by the Director of Finance. The Director of Finance shall within five (5) days after such registration issue without charge to each Operator a certificate of authority empowering such Operator to collect the tax from the Occupant and a duplicate thereof for each additional hotel or motel of such Operator. Each certificate or duplicate shall state the hotel or motel to which it is applicable. Such certificate of authority shall be prominently displayed by the Operator in such manner that it may be seen and come to the notice of all Occupants and persons seeking occupancy. Such certificate shall be non-assignable and non-transferable and shall be surrendered immediately to the Director of Finance upon the cessation of business at the hotel or motel named or upon its sale or transfer.

7. Administration and Collection.

(a) The tax imposed by this local law shall be administered and collected by the Director of Finance, or such other fiscal officers of the County as he or she may designate, by such means and in such manner as other taxes which are now collected and administered by such officers or as otherwise provided by this local law.

(b) The tax to be collected shall be stated and charged separately from the rent and shown separately on any record thereof, at the time when the occupancy is arranged or contracted for and charged for, and upon every evidence of occupancy or any bill or statement or charge made for said occupancy issued or delivered by the Operator. The tax shall be paid by the Occupant to the Operator as trustee for and on account of the County, and the Operator shall be personally liable for the tax collected or required to be collected under this local law. The Operator shall have the same right in respect to collecting the tax from the Occupant, or in respect to nonpayment of the tax by the Occupant as if the tax were a part of the rent for the occupancy payable at the time such tax shall become due and owing, including all rights of eviction, dispossession, repossession, and enforcement of any innkeeper's lien that s/he may have in the event of non-payment of rent by the Occupant; provided, however, that the Director of Finance or other fiscal officer or officers, employees or agents duly designated by him or her shall be joined as a party in any action or proceeding brought by the Operator to collect or enforce collection of the tax.

(c) Where the Occupant has failed to pay and the Operator has failed to collect a tax as imposed by this local law, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the Occupant directly to the Director of Finance, and it shall be the duty of the Occupant to file a return thereof with the Director of Finance and to pay the tax imposed thereon to the County Director of Finance within fifteen (15) days after such tax was due.

(d) The Director of Finance may, whenever he or she deems it necessary for the proper enforcement of this local law, provide by regulation that the Occupant shall file returns and pay directly to the Director of Finance the tax herein imposed, at such times as returns are required to be filed and payment made over by the Operator.

(e) The tax imposed by this local law shall be paid upon any occupancy on and after January 1, 2008, although such occupancy is had pursuant to a contract, lease or other arrangement made prior to such date. Where rent is paid or charged or billed, or falls due on either a weekly,

monthly or other term basis, the rent so paid, charged, billed or falling due shall be subject to the tax herein imposed to the extent that it covers any portion of the period on and after January 1, 2008. Where any tax has been paid hereunder upon any rent which has been ascertained to be worthless, the Director of Finance may by regulation provide for credit and/or refund of the amount of such tax upon application therefor as provided in subsection thirteen of Section 3 this local law.

(f) For the purpose of the proper administration of this local law and to prevent evasion of the tax hereby imposed, it shall be presumed that all rents are subject to tax until the contrary is established, and the burden of proving that a rent for occupancy is not taxable hereunder shall be upon the Operator, except that, where by regulation pursuant to subdivision seven (d) of this section, an Occupant is required to file returns and pay directly to the Director of Finance the tax herein imposed, the burden of proving that a rent for occupancy is not taxable shall be upon the Occupant. Where an Occupant claims exemption from the tax under the provisions of subdivision four of this section, the rent shall be deemed taxable hereunder unless the Operator shall receive from the Occupant claiming such exemption a certificate duly executed by an exempt corporation or association certifying that the Occupant is its agent, representative, or employee, together with a certificate executed by the Occupant that his occupancy is paid or to be paid by such exempt corporation or association, and is necessary or required in the course of or in connection with the Occupant's duties as a representative of such corporation or association. Where deemed necessary by the Operator, he may further require that any Occupant claiming exemption from the tax furnish a copy of a certificate issued by the Director of Finance of the Occupant, certifying that the corporation or association herein named is exempt from the tax under subdivision four of this section.

8. Records to be Kept.

Every Operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon, in such form as the Director of Finance may by regulation require. Such records shall be available for inspection and examination at any time upon demand by the Director of Finance or his or her duly authorized agent or employee and shall be preserved for a period of three (3) years, except that the Director of Finance may consent to their destruction within that period or may require that they be kept longer.

9. Returns.

(a) Every Operator shall file with the Director of Finance a return of occupancy and of rents, and of the taxes payable thereon for the periods ending the last day of March, June, September and December of each year, on and after April first, two thousand eight. Such returns shall be filed within twenty (20) days from the expiration of the period covered thereby. The Director of Finance may permit or require returns to be made by other periods and upon such dates as he or she may specify. If the Director of Finance deems it necessary in order to ensure the payment of the tax imposed by this local law, he or she may require returns for a particular registrant to be made for shorter periods than those prescribed pursuant to the foregoing provisions of this section and upon such dates as he or she may specify.

(b) The forms of returns shall be prescribed by the Director of Finance and shall contain such information as he or she may deem necessary for the proper administration of this local law. The Director of Finance may require amended returns to be filed within twenty (20) days after issuance of a notice of error or deficiency in a return.

(c) If a return required by this local law is not filed, or a return when filed is incorrect or insufficient on its face, the Director of Finance shall take the necessary steps to enforce the filing of such a return or of a corrected return.

10. Payment of Tax.

At the time of filing a return of occupancy and of rents each Operator shall pay to the Director of Finance the taxes imposed by this local law upon the rents required to be included in such return, as well as all other moneys collected by the Operator acting or purporting to act under the provisions of this local law even though it be judicially determined that the tax collected is invalidly

required to be billed. All taxes shall be due from the Operator and payable to the Director of Finance by the date specified for the filing of the return for such period, without regard for whether a return is filed or whether the return which is filed correctly shows the amount of rents and the taxes due thereon. Where the Director or Finance in his or her discretion deems it necessary to protect revenues to be obtained under this local law he or she may require any Operator which is required to collect the tax imposed by this local law to file with the County a bond, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as the Director of Finance may fix to secure the payment of any tax and/or penalties and interest due or which may become due from such Operator. In the event that the Director or Finance determines that an Operator is to file such bond, he or she shall give notice to such Operator to that effect specifying the amount of the bond required. The Operator shall file such bond within fifteen (15) days after the giving of such notice, unless within such fifteen (15) days the Operator shall request in writing a hearing before the Director of Finance at which the necessity, propriety and amount of the bond shall be determined by the Director of Finance. Such determination shall be final and shall be complied with within fifteen (15) days after the giving of notice of the determination. In lieu of such bond, securities approved by the Director of Finance or cash in such amount as he or she may prescribe, may be deposited with and kept in the custody of the Director of Finance who may at any time without notice to the depositor apply them to any tax and/or interest or penalties due, and for that purpose the securities may be sold by him or her at public or private sale without notice to the depositor thereof.

11. Determination of Tax.

If a return required by this local law is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Director of Finance from such information as may be obtainable and, if necessary, the tax may be estimated on the basis of external indices, such as number of rooms, location, scale of rents, comparable rents, type of accommodations and service, number of employees and/or other factors. Notice of such determination shall be given to the person liable for the collection and/or payment of the tax.

Such determination shall finally and irrevocably fix the tax unless, within thirty (30) days of the date of issuance of notice of such determination, the person against whom it is assessed applies to the Director of Finance for a hearing, or unless the Director of Finance of his or her own motion re-determines the same. After such hearing or re-determination, the Director of Finance shall give notice of his or her final determination to the person against whom the tax is assessed.

The final determination of the Director of Finance shall be reviewable for errors, illegality or unconstitutionality or any other reason whatsoever, by proceeding under article seventy-eight of the Civil Practice Law and Rules. Such application shall be made to the Supreme Court no later than thirty (30) days after the giving of the notice of such final determination. A proceeding under article seventy-eight of the Civil Practice Law and Practice Law and Rules of the State of New York shall not be instituted unless:

(a) the amount of any tax sought to be reviewed, with penalties and interest, if any, shall be first deposited with the Director of Finance and there shall be filed with the Director of Finance an undertaking, issued by a surety company authorized to transact business in this state and approved by the superintendent of insurance of this state as to solvency and responsibility, in such amount as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of the proceeding; or

(b) at the option of the applicant, such undertaking filed with the Director of Finance may be in a sum sufficient to cover the taxes, penalties and interest stated in the final determination plus the costs and charges which may accrue against it in the prosecution of the proceeding in such amount as a justice of the Supreme Court shall approve, in which event the applicant shall not be required to deposit such taxes, penalties and interest as a condition precedent to the application.

12. Disposition of Revenues.

All revenues resulting from the imposition of the occupancy tax of five percent (5%) shall be allocated for any of the purposes and uses authorized by Section 1202-j of the New York State Tax Law, as it may be amended from time to time, and such resolutions as may be adopted by the County Legislature consistent therewith, including, but not limited to, the retention of up to a maximum of ten (10) percent of such revenue to defer the necessary expenses of the County in administering such tax and such programs.

13. Refunds.

(a) In the manner provided in this section the Director or Finance shall refund or credit, without interest, any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if written application to the Director of Finance for such refund shall be made within one (1) year from the payment thereof. Whenever a refund is made by the Director of Finance, he or she shall state his or her reason therefore in writing. Such application may be made by the Occupant, Operator or other person who has actually paid the tax. Such application may also be made by an Operator who has collected and paid over such tax to the Director of Finance provided the application is made within one (1) year of the payment by the Occupant to the Operator, but no actual refund of moneys shall be made to such Operator until he or she shall first establish to the satisfaction of the Director of Finance, under such regulations as the Director of Finance may prescribe, that he or she has repaid to the Occupant the amount for which the application for refund is made. The Director of Finance may, in lieu of any refund required to be made, establish the refund as a credit in applicant's name.

(b) An application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty or interest complained of and the Director of Finance may receive evidence with respect thereto. After making his or her determination, the Director of Finance shall give notice thereof to the applicant. The applicant shall be entitled to a review of such determination by a proceeding pursuant to article seventy-eight of the Civil Practice Law and Rules, provided such proceeding is instituted within thirty (30) days after the giving of notice of such determination, and provided that a final determination of tax due was not previously made. Such a proceeding shall not be instituted unless an undertaking is filed with the Director of Finance in such amount and with such sureties as a justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

(c) A person shall not be entitled to a revision, refund or credit under this subsection of a tax, interest or penalty which had been determined to be due pursuant to the provisions of subsection eleven of Section 3 of this local law where he or she has had a hearing or an opportunity for a hearing, as provided in said section or has failed to avail himself or herself of the remedies therein provided. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the Director of Finance made pursuant to subsection eleven of Section 3 of this local law unless it be found that such determination by the Director of Finance was erroneous, illegal or unconstitutional or otherwise improper after a hearing or of his or her own motion or in a proceeding under article seventy-eight of the Civil Practice Law and Rules, pursuant to the provisions of said subsection, in which event refund or credit without interest shall be made of the tax, credit or penalty found to have been overpaid.

14. Reserves.

In cases where the Occupant or Operator has applied for a refund and has instituted a proceeding under article seventy-eight of the Civil Practice Law and Rules to review a determination adverse to him or on his or her application for refund, the Director of Finance shall set up appropriate reserves to meet any decision adverse to the County.

15. Remedies Exclusive.

The remedies provided by subsections eleven and thirteen of Section 3 of this local law shall be the exclusive remedies available to any person for the review of tax liability imposed by this local law, and no determination or proposed determination of tax or determination on any application for refund shall be enjoined or reviewed by an action for declaratory judgment, an action for money had and received or by any action or proceeding other than a proceeding in a nature of a certiorari proceeding under article seventy-eight of the Civil Practice Law and Rules, provided, however, that a taxpayer may proceed by declaratory judgment if he or she institutes suit within thirty (30) days after notice of a deficiency assessment is made and pays the amount of the deficiency assessment to the Director of Finance prior to the institution of such suit and posts a bond for costs as provided in subsection eleven of Section 3 of this local law.

16. Proceedings to Recover Tax.

(a) Whenever there is a failure to collect and pay over any tax and/or pay any tax, penalty or interest imposed by this local law as herein provided, the County Attorney shall, upon the request of the Director of Finance bring or cause to be brought an action against the entity named in the Certificate of Registration, and/or any Operator, officer, Occupant or other responsible person, to enforce the payment of the same on behalf of the County of Chautauqua in any court of the State of New York, or of any other state or of the United States.

(b) As an additional or alternative remedy, the Director of Finance may issue a warrant against the entity named in the Certificate of Registration, and/or any Operator, officer, Occupant or other responsible person, following the procedure set forth in Paragraph (c) of this subsection, directed to the Sheriff and commanding him to levy upon and sell the real and personal property of the entity named in the Certificate of Registration, and/or any Operator, officer, Occupant or other responsible person liable for the tax.

(c) A warrant issued as provided for in Paragraph (b) of this subsection shall be directed to the Sheriff and shall command the Sheriff to levy upon and sell the real estate, bank accounts and other assets which may be found in this County and which belong to the individual(s) and entity named in the warrant, for payment of the amount of the warrant including any penalties and interest, and the cost of executing the warrant, and to return such warrant to the Director of Finance and to pay him or her the money collected by virtue thereof within sixty (60) days after the receipt of such warrant.

The Sheriff shall within five (5) days after the receipt of the warrant file with the County Clerk a copy thereof, and thereupon such Clerk shall enter in the judgment docket the name of the person or entity named in the warrant and the amount of the tax, penalties and interest for which the warrant is issued and the date when such copy is filed. Thereupon the amount of such warrant so docketed shall become a lien upon the interest in real and personal property of the person against whom the warrant is issued. The Sheriff shall then proceed upon the warrant, in the same manner, and with like effect, as that provided by law in respect to executions issued against property judgments of a court of record and for services in executing the warrant he shall be entitled to the same fees, which he may collect in the same manner.

A copy of the warrant entered in the County Clerk's office shall be mailed to the subject of the warrant by the Director of Finance, using First-Class mail with a Certificate of Mailing, within ten (10) days of the entry of the warrant by the Clerk.

In the discretion of the Director of Finance, a warrant of like terms, force and effect may be issued and directed to any officer or employee of the Director of Finance and in the execution thereof such officer or employee shall have all the powers conferred by law upon the Sheriff, but shall be entitled to no fee or compensation in excess of the actual expenses paid in the performance of such duty. If a warrant is returned not satisfied in full, the Director of Finance may from time to time issue new warrants and shall also have the same remedies to enforce the amount due thereunder as if the County has recovered judgment therefore and execution thereon has been returned unsatisfied.

(d) Whenever an Operator shall make a sale, transfer, or assignment of any part or the whole of his hotel or motel or his lease, license or other agreement or right to possess or operate such hotel or motel or of the equipment, furnishings, fixtures, supplies or stock of merchandise, or the said premises or lease, license or other agreement or right to possess or operate such hotel or motel and the equipment, furnishings, fixtures, supplies and stock of merchandise pertaining to the conduct or operation of said hotel or motel, otherwise than in the ordinary and regular prosecution of business, the purchaser, transferee or assignee shall at least ten (10) days before taking possession of the subject of the sale, transfer or assignment, or paying therefor, notify the Director of Finance by registered mail of the proposed sale and of the price, terms and conditions thereof whether or not the seller, transferor or assignor, has represented to or informed the purchaser, transferee or assignee that it owes any tax pursuant to this local law, and whether or not the purchaser, transferee or assignee has knowledge that such taxes are owing, and whether any such taxes are in fact owing.

Whenever the purchaser, transferee or assignee shall fail to give notice to the Director of Finance as required by the preceding paragraph or whenever the Director of Finance shall inform the purchaser, transferee or assignee that a possible claim for such tax or taxes exists, any sums of money, property or choses in action, or other consideration, which the purchaser, transferee or assignee is required to transfer over to the seller, transferor or assignor shall be subject to a first priority right and lien for any such taxes theretofore or thereafter determined to be due from the seller, transferor or assignor to the County, and the purchaser, transferee or assignee is forbidden to transfer to the seller, transferor or assignor any such sums of money, property or choses in action to the extent of the amount of the County's claim. For failure to comply with the provisions of this subdivision, the purchaser, transferee or assignee, in addition to being subject to the liabilities and remedies imposed under the provisions of article six of the Uniform Commercial Code, shall be personally liable for the payment to the County of any such taxes theretofore or thereafter determined to be due to the County from the seller, transferor, or assignor, and such liability may be assessed and enforced in the same manner as the liability for tax under this local law.

17. General Powers of the Director of Finance.

(a) In addition to the powers granted to the Director of Finance in this local law, he or she is hereby authorized and empowered:

1. To make, adopt and amend rules and regulations appropriate to the carrying out of this local law and the purposes thereof;
2. To extend for good cause shown, the time of filing any return for a period not exceeding thirty (30) days; and if in the best interest of the County, to remit penalties and interest; and to compromise disputed claims in connection with the taxes hereby imposed;
3. To request information from the Tax Commissioner of the State of New York or the Treasury Department of the United States relative to any person; and to afford information to such tax commission or such treasury department relative to any person, any other provision of this local law to the contrary notwithstanding;
4. To delegate his or her functions hereunder to a deputy Director of Finance or any employee or employees of the Department of Finance;
5. To prescribe methods for determining the rents for occupancy and to determine the taxable and non-taxable rents;
6. To require any Operator within the County, whether or not any occupancy is claimed to be subject to the tax imposed by this local law, to keep detailed records of the nature and type of hotel maintained, nature and type of service rendered, the rooms available and rooms occupied daily, leases or occupancy contracts or arrangements, rents received, charged and accrued, the names and addresses of the Occupants, and to furnish such information upon request to the Director of Finance;

7. To assess, determine, revise and readjust the taxes imposed under this local law.

18. Administration of Oaths and Compelling Testimony.

(a) The Director of Finance or his or her employees or agents duly designated and authorized by him or her shall have power to administer oaths and take affidavits in relation to any matter or proceeding in the exercise of their powers and duties under this local law. The Director of Finance shall have power to subpoena and require the attendance of witnesses and the production of books, papers, and documents to secure information pertinent to the performance of his or her duties hereunder and to the enforcement of this local law and to examine them in relation thereto, and to issue commissions for the examination of witnesses who are out of the state or unable to attend before him or her, or excused from attendance.

(b) A justice of the Supreme Court either in court or at chambers shall have power summarily to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and documents called for by the subpoena of the Director of Finance under this local law.

(c) Any person who shall refuse to testify or to produce books or records or who shall testify falsely in any material matter pending before the Director of Finance under this local law shall be guilty of a misdemeanor, punishment for which shall be a fine of one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment.

(d) The officers who serve the summons or subpoena of the Director of Finance, and witnesses attending in response thereto, shall be entitled to the same fees as are allowed to officers and witnesses in civil cases in courts of record, except as otherwise provided herein. Such officers shall be the County Sheriff and his or her duly appointed deputies or any officers or employees of the Department of Finance, designated to serve such process.

19. Reference to Tax.

Whenever reference is made in placards or advertisements or in any other publications to this tax, such reference shall be substantially in the following form: "Tax on occupancy of hotel or motel rooms", except that in any bill, receipt, statement or other evidence or memorandum of occupancy or rent charge issued or employed by the Operator, the words "occupancy tax" will suffice.

20. Penalties and Interest.

(a) Any person failing to file a return or to pay over any tax to the Director of Finance within the time required by this local law shall be subject to a penalty of ten percent (10%) of the amount of tax due; plus interest at the rate of one percent (1%) of such tax for each month of delay excepting the first month after such return was required to be filed or such tax became due; but the Director of Finance, if satisfied that the delay was excusable, may remit all or any part of such penalty or interest. Such penalties and interest shall be paid and disposed of in the same manner as other revenues from this local law. Unpaid penalties and interest may be enforced in the same manner as the tax imposed by this local law.

(b) Any Operator or Occupant and any officer of a corporate Operator or Occupant failing to file a return required by this local law, or filing or causing to be filed, or making or causing to be made or giving or causing to be given any return, certificate, affidavit, representation, information, testimony, or statement required or authorized by this local law, which is willfully false, and any Operator and any officer of a corporate Operator willfully failing to file a bond required to be filed pursuant to subsection eleven of Section 3 of this local law, or failing to file a registration certificate and such data in connection therewith as the Director of Finance may by regulation or otherwise require or to display or surrender the certificate of authority as required by this local law or assigning or transferring such certificate of authority and any Operator and any officer of a corporate Operator willfully failing to charge separately from the rent the tax herein imposed, or willfully failing to state such tax separately on any evidence or occupancy and on any bill or statement or receipt or rent issued or employed by the Operator, or willfully failing or refusing to collect such tax from the

Occupant, and any Operator and any officer of a corporate Operator who shall refer or cause reference to be made to this tax in a form or manner other than that required by this local law, and any Operator failing to keep the records required by subsection eight of Section 3 of this local law, shall, in addition to the penalties herein or elsewhere prescribed, be guilty of a misdemeanor, punishment for which shall be a fine of not more than one thousand dollars (\$1,000.00) or imprisonment for not more than one (1) year, or both such fine and imprisonment. Officers of a corporate Operator shall be personally liable for the tax collected or required to be collected by such corporation under this local law, and subject to the penalties herein above imposed.

(c) The certificate of the Director of Finance to the effect that a tax has not been paid, that a return, bond or registration certificate has not been filed, or that information has not been supplied pursuant to the provisions of this local law, shall be presumptive evidence thereof.

21. Returns to be Secret.

(a) Except in accordance with proper judicial order, or as otherwise provided by law, it shall be unlawful for the Director of Finance or any officer or employee of the Department of Finance to divulge or make known in any manner the rents or other information relating to the business of a taxpayer contained in any return required under this local law. The officers charged with the custody of such returns shall not be required to produce any of them or evidence of anything contained in them in any action or proceeding in any court, except on behalf of the Director of Finance in an action or proceeding under the provisions of this local law, or on behalf of any party to any action or proceeding under the provisions of this local law when the returns or facts shown thereby are directly involved in such action or proceeding, in either of which events the court may require the production of, and may admit in evidence, so much of said returns or of the facts shown thereby, as are pertinent to the action or proceeding and no more. Nothing herein shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a certified copy of any return filed in connection with his tax nor to prohibit the publication of statistics so classified as to prevent the identification of particular returns and the items thereof, or the inspection by the County Attorney or other legal representatives of the County or the District Attorney of the return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted for the collection of a tax or penalty, or whom is the subject of a pending criminal investigation. Returns shall be preserved for three (3) years and thereafter until the Director of Finance permits them to be destroyed.

(b) Any violation of subdivision (a) of this subsection shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or both, in the discretion of the court.

22. Notices and Limitations of Time.

(a) Any notice authorized or required under the provisions of this local law may be given by mailing the same to the person for whom it is intended in a postpaid envelope addressed to such person at the address given in the last return filed by him or her pursuant to the provisions of this local law, or in any application made by him or her, or if no return has been filed or application made, then to such address as may be obtainable. Mailing shall be made by First-Class mail with a Certificate of Mailing. The mailing of such notice shall be presumptive evidence of the receipt of the same by the person to whom addressed. Any period of time which is determined according to the provisions of this local law by the giving of notice shall commence to run from the date of mailing of such notice.

(b) The provisions of the Civil Practice Law and Rules or any other law relative to limitations of time for the enforcement of a civil remedy shall not apply to any proceeding or action taken by the County to levy, appraise, assess, determine or enforce the collection of any tax or penalty provided by this local law. However, except in the case of a willfully false or fraudulent return with intent to evade the tax, no assessment of additional tax shall be made after the expiration of more than three (3) years from the date of the filing of a return; provided, however, that where no return has been filed as provided by law the tax may be assessed at any time.

(c) Where, before the expiration of the period prescribed herein for the assessment of an additional tax, a taxpayer has consented in writing that such period be extended, the amount of such additional tax due may be determined at any time within such extended period. The period so extended may be further extended by subsequent consents in writing made before the expiration of the extended period.

23. Separability.

If any provisions of this local law, or the application thereof to any person or circumstances, is held invalid, the remainder of this local law, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

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

Mailed: 9/13/13

Tabled in Legislature: 9/25/13

Mailed Print 2: 10/10/13

Public Hearing by County Executive: 10/30/13

Adopted as LL 6-13

Special Legislature Workshop Session  
 Wednesday, October 9, 2013 – 6:30 p.m.  
 Chambers, Mayville, N.Y.

Presentation & Legislative question and answer session with representatives of VestaCare regarding the proposed contract for the purchase of the Chautauqua County

Chairman Gould called the special workshop session to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present: (Absent: Cornell, Duff, Heenan, Hoyer, Stewart)

Legislator Scudder delivered the prayer and pledge of allegiance.

Chairman Gould: I would like to introduce you to these four individuals from VestaCare. They are Edward Farenblum, Hector Rodriguez, Jacqueline Sylvia, and Cookie Travis. O.k., let's get started.

Legislator Whitney: *(Recorder didn't record – question was asked why contract expires on October 31<sup>st</sup>?)*

I'm Edward Farenblum, you all have met me before and you have heard my pitch and my story. You have met some of my team, this is a bit more of my team, Jacqueline is our Administrator at Golden Hill, and she has gone through a very difficult transition with us and has done exemplary. She just had survey by the way, and she did spectacularly well on survey. I would like to give her a round of applause. (applause) Hector Rodriguez. She really did very well and it was a very difficult transition and a difficult process. We pouched here from Schenectady County, where she was the administrator of their facility that is called, something like Glendale, Glendale and we're very happy to have her on the team. Hector recently joined us. We did a lot of staffing as we took Golden Hill over and Hector previously worked for a local real estate developer and he sent a resume in, we interviewed him, and we hired him. Hector also has the distinction of being an Ulster County Legislator which is one of the reasons I asked him to join here today so he could speak towards the Ulster County experience from the other side and Cookie, who is our Director of Admissions at Golden Hill who we moved over from another facility and is helping us implement our vision there. You've all heard my vision and you've met some of my other people. Now, to your question. It is customary in commercial transactions of which I have done many, to have a drop dead date built into any contingency. This is so that I don't extend an open ended up. If I weren't to have a drop dead date, then you guys would have for no consideration an option in perpetuity against me. If you see in the contract there are two drop dead dates, you have one against me and I have one against you. I have diligence, that's of limited time and you have a ratification period. Which is also serving as a diligence period that's of limited time and they are roughly the same amount of time. I think one is 40 and one is 30 and somebody can correct. But, it came through the process of negotiating with Mr. Edwards and Mr. Abdella who I don't see in the room.

Chairman Gould: He's right in back of you.

Mr. Farenblum: That's why I don't see him. But it came through the process of negotiations and that is why we have those drop dead dates.

Legislator Whitney: So, it says that you may withdraw your offer, is that shall or may?

Mr. Farenblum: The contract will likely be voided and we'll be back at the bargaining table. How it shapes after, I don't know. Mind if I turn the question back to you?

Legislator Whitney: Sure.

Mr. Farenblum: What is the problem with 30 days?

Legislator Whitney: We have a lot going on this month. Budget, election coming up, I mean, we're just part time Legislators and doing what we can. There is a lot going on. I'm getting a lot of emails and I would like to investigate what people are telling me. That is my point.

Mr. Farenblum: O.k.

Legislator Runkle: During your last presentation here which was very, very brief, you mentioned something about intended plans for this facility once it was acquired. Could you give us a brief synopsis on what you intend to do with the facility once it's acquired? Your plans for expansion. I know that you mentioned plans for expansion, potential expansion.

Mr. Farenblum: Our vision is something like this. We believe skilled nursing facility shouldn't be stand alone and they shouldn't just be long term care centers. They should be short term disease management centers, rehab centers. They should facilitate the step down levels of care for discharges when people are ready to go home and we believe in expanding the range of services, both inside the facility and ancillary to the facility. So one of the things that we would strongly consider and all of this is subject to research and I will tell you where we are on each of these issues but we believe in having a medical day care and social day care program coupled with every nursing home. And to considerable extent this helps people stay out of nursing home for longer and we think is better overall for the quality of care. We believe in home care agencies, sistering with our nursing homes. In downstate, we have 10 county certified home health agency and upstate we have a licensed home health care agency. Same sort of thing when a resident ready to move back home that sort of agency can help them to transition back into their ordinary lives. We believe within the facility of having outpatient programs as far as therapy. We believe in having disease management programs, we believe in having a variety of options as far as therapy from the (*inaudible*), to COPD, to CHF and Hector is about to yell at me for using acronyms. Chronic Obstructive Pulmonary Disorder, (*inaudible*) is balance related and CHF is Congestive Heart Failure. The Congestive Heart Failure program, by the way, have implemented in 2 facilities so far and working on a third and Golden Hill is going to be the 4<sup>th</sup> and it's a national recognized program. Shannon who you met last time is actually right now in Phoenix. She's accepting the award today as we speak. She accepting the award from the American Health Care Association for the (*inaudible*) practices in our program that we implemented for the rehabilitation of congestive heart failure. Cookie, do you want to speak more to the (*inaudible*) model of a nursing home and what we want to do. She has been with us for about 7 years and (*inaudible*).

Ms. Travis: Thank you. I think that I am going to probably speak more from my experience as an Admissions Coordinator Director and also the impact of our facilities that we've since Ed and his team has joined us. One of the things that I have learned and I hope I am doing this o.k., is that we have expanded a lot of programs. We have a specialized Alzheimer's/Dementia unit which I know is very, very important in the community. Something that we have a very big invested interest in and as well, I'm sure you are. But with that also we want to look toward the innovative technology and what we can do to help residents and the community to really get the best health care that they can have and part of that are, specialized programs.

Part of our specialized programs are things like the congestive heart failure program which Eddy has actually noted that New York State has actually recognizes the innovative service leader for New York State. We partnered with local hospitals and physicians to really make it the model for New York State and the American Health Care Association contacted us and actually decided that it was something recognizable on the national level. We also have other programs that are specialized. One is a neuromuscular program. That really identifies and helps patients who have Parkinson's Disease. It's really become something very special at our facility. We were actually noted in the

National Congress in Canada who used our demographic and patient specialty as part of their research through the national convention to further programs in telemedicine. Telemedicine right now is something that is on the forefront but actually we were able to, with this Company, we were able to bring together those high tech technological advances to our residents. Not only to our residents but to our community. What we found was that many, many people in the community who are not able to access specialized care, Parkinson's, neuromuscular disorders orders, where they are not able to see those specialized doctors, our telemedicine allowed them that opportunity to partner with the University of Rochester, a center of excellence. Which actually, we're a part of that center of excellence now, part of their team and I think that is what we really want to envision for this area. Is something that will bring uniqueness and fill what you may have as a community that you need. There are many areas as we go into specialized health care. They are going to be looking for things like, what sets you apart, what makes you different, and why would we want to send patients to your facility? One of those outreaching things is that you are addressing those needs of the community. The community has actually, in our area, has partnered with us and we have many, many programs that are free programs. Parkfit(?) is one. The community comes in, we have specialized programs, we teach them. We were honored and able to take on people who are in the big and loud program which is a specialized program specialized program. Worldwide, there are only about 5,000 and if you go on the internet who will see how wonderful these programs are. They give the community residence, they give the facility residence the best therapies that they can have worldwide and that is the kind of thing that and I am speaking from someone who was at a facility before Eddy and his team came and I saw the growth. I saw going from 29 deficiencies to being the facility of choice and only having 2 deficiencies the year before and being number one in our county for years after year. That is something that I am so proud of and now, I am a part of the community at Kingston. We're starting those programs. The medical record program, we're starting to partner with the hospitals and the things that they do, with all of the physicians and specialist in the community, something that I am so passionate about and I'm so excited and if there is any time that any of you would have any questions or would like to ask me more questions, I can give you my name and phone number and I would love to answer anything else that you have to ask.

Legislator Nazzaro: Just want to clarify as Mr. Abdella pointed out in his memo to the Legislature dated October 1<sup>st</sup>, the property that shall be transferred if the sale went through. They receive the net account receivable of approximately \$1.3 million. As of the end of August, on the books of the Chautauqua County Home, there is \$1.8 million gross, AR, and they have reserved the County Home \$510,000 which is what they are considering to be non-collectable due to the difference in payer contracts and potential bad debt. So, I just wanted to point out to the Legislature, the purchase price is \$16.5 million but we are going to be receiving \$1.3 million dollars less than what we would have on the previous contract because the net equity in the County Home would be reduced by the accounts receivable. In the other contract we maintained ownership of the accounts receivable. Under this contract, they are getting ownership so at the end of the day, we're really getting \$1.3 million less than we did on the previous contract. Is that correct Mr. Abdella?

Mr. Abdella: Yes.

Legislator Nazzaro: Just wanted to point that out and make sure everyone understood that.

Legislator Horrigan: Myself and another Legislator had the opportunity to go down and visit Susquehanna and Shannon took us on about a 3 hour tour where we talked residents. We talked to family members and staff as well. We spent some time talking about a transition especially from the point of view of the employees, currently County employees that if this went through would become employees or you would be in the business of looking for those employees. Can you talk about how you would see a transition process from the employee perspective? How you would handle that?

Ms. Sylvia: As the Administrator, recently what we have done in Kingston it was very fair and equitable for our employees. They had an opportunity to apply for positions and for anyone who

applied we interviewed them and probably 90 to 95% of those people had the opportunity to come in and work for us. Our employment process, we have a screening process for all employees. We had to fill all the positions, the 284 positions that we had so it wasn't anything but fair and equitable for all the employees.

Legislator Horrigan: I would like to follow up, as you look at the staffing level that we have in the County Home and compare it to how you would envision the staffing level under private management, would you characterize any significant changes or levels in any way or in any department? A lot of issues that are brought to our attention result primarily from the employees and how that would transition. I got to see the care first hand but I was just wondering a little more on the employee side.

Ms. Sylvia: Actually today we had the opportunity to speak with Mark the Director of Nursing and Tim to get some specifics on that. In most cases, especially from the nursing perspective, we would actually increase the levels. Difference such as, on 3 to 11 shift where they normally staff just one LPN per unit, we would be staffing 2 LPN's per unit. Our CNA levels are very similar. We staff 5 CNA's per unit on days, we staff 4 CNA's per unit on 3 to 11 and we also staff 2 CNA's per unit on 11-7 which presently your Home only staffs 1 CNA per unit on 11 to 7. So, from the nursing perspective I think that we would actually increase some of the staffing. Most of the nurse management staff sounded extremely similar to what we staff with which is the DON, the ADON, Supervisors on 3 to 11 and 11 to 7, seven days per week. On weekend, 24 hours per day MDA's staff, staff development, infection control, quality assurance, quality assurance nurse, so from the nursing perspective, I see probably an increase. I didn't get specific numbers from a dietary perspective, housekeeping or laundry but they sound fairly similar. We'd be looking at efficiencies within all departments to ensure that number one, we can maintain the facility at a proper level but at the same time, making sure that we have efficiencies in place. So for the most part, I didn't see any places where we really would be having any significant cuts.

Mr. Farenblum: Could I follow up on that answer a little bit? We understand that staffing is a concerned but skilled nursing is a labor intensive process and we did a bunch of open houses for the employees immediately after we sign our contract in Kingston and I remember the first question that we got at the first open house. Somebody lays there hand and said there is a rumor going around that you are going to fire all the employees. I looked around and said, and take care of 280 people by myself and that is the answer. There isn't going to be huge variances as far as how many people you are going to have in most departments because it's incredibly labor intensive. Now, I know that Rev. Hoyer, who is not here, made a lot of hay about us wanting to increase the equity but the truth is, with increased equity, you have increased labor requirements. We're going to need more CNA's when you have a higher more dependent population with higher severity of medical conditions. I understand the concern but I think that it's unfounded. We have staffing patten at Golden Hill of about 280 compared to the counties, which are just under 300 so we're within 20 net employee of the County. Some of that changed in patterns, they had 2 PT's on payroll, we have 8. We may have fewer people in laundry but overall numbers are pretty close.

Legislator Runkle: As to my first question in regards to upgrades, you mentioned about specific services that you would be upgrading. What about upgrades to the physical plant itself? Additional buildings, additional space, to accommodate these particular services? Would you be planning those upgrades as well?

Mr. Farenblum Physical plan for skilled nursing facility is pretty good. We think that it is more than adequate as it stands for what it does. We will need a space in the building for medical day care at some point. We hope to be able to build on the 30 acres that come with the land. We understand that there are zoning considerations and is going to require further diligence as to whether not we can build there. We always like to have a sister assisted living facility. That is a long term project. That is not something I am going to promise you that it is going to happen or that it is

going to happen under any circumstances in the next 4 or 5 years because it's a massive project that requires from State licensing all the way through, zoning approval, architecture and everything else. But on the margins, there should be in the next few years building around to increase the spectrum of services. One of the other problems that we noticed was the facility doesn't have a separate entrance to the therapy gym. If we want to increase services to include outpatient therapy, we're going to have to do some sort of expansion to have a facility for that and other things of the like.

Legislator Runkle: But there is a plan for assisted living down the road with the commensurate expansion of facilities?

Mr. Farenblum: There is a possibility. I don't want to oversell it because a lot of study has to go into it. We really have to find out what through exhaustive research what the need is, what the market looks like. But look, increasingly (*inaudible*) like assisted living over skilled nursing, we believe in always having residence in the least restrictive modality of care. So we're either going to have to partner with a very good assisted living facility or develop our own option at some point.

Legislator Erlandson: I actually have two questions. One is a follow up to Mr. Horrigan's question and the other serendipitously is a follow up to Mr. Runkle's question so let me ask the first one first to whoever might want to answer it. Will you please describe or summarize the differences in the responsibilities or duties of RN's, LPN's and CNA's and some of the other initialed groups that I did not get?

Ms. Sylvia: O.k., starting with the nursing department, the significant difference between and RN and an LPN is their scope of practice and their assessment abilities. It's kind of a gray area but you do want to have a significant amount of RN's in the facility so they can take care of assessment, they can assist with MDS's, their roles are just greater but they also play a significant role in growing the LPN staff. The LPN's primarily are the people that who are passing your medications. They also do a lot of documentation but in the assessment process with the RN's, the LPN's also gather the information. So, they are assessing without using the assessing terminology but they are a great need. It is my understanding is, you have a significant amount of very skilled LPN's within your facility who play a significant role. It's just like, you can't have a great doctor without a great nurse and you can't have a great RN without great LPN's and CNA's. When you walk into Chautauqua, you see residents that look wonderful because that is a combined effort of all the disciplines in your facility taking care of those residents and that was very evident when we toured the facility today. From the RN's and LPN's, you then have your CNA's who are your frontline staff. Your Certified Nursing Assistants are the people who are taking care of those residents from toileting, bathing, dressing, feeding, with the supervision of the LPN's and the RN's. So, when you have great CNA's, who are noticing things, who then report off the LPN's, who report off to the RN's, you need that strong support system to deliver quality care which you clearly are doing. So, that is from the nursing prospective.

From the other roles within the facility, which I think is what you asked, from other departments? We actually spoke to Wally today and he talked about different roles that the maintenance people have from utilities to maintenance to groundkeepers. All of those roles play a significant role in maintaining the physical plant of the facility. When you pull up, you see a beautiful building, you see rolling green, lawns, that is all part of the eye appeal for families because who wants to place somebody in a facility that doesn't have eye appeal. But from a resident perspective, it creates a home like feeling so that maintenance department plays a significant role in that. Then, from housekeeping and laundry, keeping up again with the physical plant from keeping it odor free as your staff has clearly done. Making sure the laundry of the residents looks neat and clean. Dietary, not providing institutionalized food but providing quality food that taste good, that appeals to all of the senses for the residents. So from every department, you really have so many different roles but they are all needed and of course, your rehab department. Your rehab department from physical therapy, occupational therapy, speech therapy, you want to be attracting your Medicare A patients, short-term patients coming in from the hospitals who need short-term therapy. Maybe for orthopedics, cardiac,

pulmonary, but then you also have your Med B patients who are your long-term patients who may have had some deterioration with decline in ADL's needing activities of daily living. Maybe someone who use to ambulate freely with a walking but now ambulates at time in a wheelchair and self-propels. Physical therapy can help that person take more steps, helps to stand and pivot which then also assists your staff. The more you have a strong physical therapy and occupational department it also makes it safer for your staff. The more abilities that our residents maintain help our staff to keep them from having injuries. So everyone of the departments play a significant role and of course administration and bookkeeping from the standpoint from the standpoint of making sure with AR and Comptroller, all of those roles play a significant part and there is really none that you can live without. Especially the administrator.

Legislator Erlandson: Thank you and now if I may with my second question. Let me preface it by saying, when I was in 6<sup>th</sup> grade we got a teacher fresh out of college which was a rarity in those days and she knew absolutely nothing about nature but she used to like to take us on fieldtrips and we just enjoyed getting out. So, given that, the Chautauqua County Home property, as you know, contains some 30 acres and the buildings only occupy a small portion of that. My question is, to what extent, if any, have you considered using the vacant property, the bulk of the 30 acres in developing an outdoor facility for residents and their families and activities outside? And you might want to refer to other facilities that you have in your answer.

Ms. Sylvia: I don't know if we've researched that to any degree. I do think that it would be a wonderful idea to make a park like area. The grounds are beautiful and definitely be something nice. We definitely would be looking from a perspective of how to keep our residents safe. I am sure you are all aware that on your Alzheimer's unit, you have a beautiful courtyard which is secluded so that the residents have a secluded area where they are safe, they can go outside and get some fresh air but the grounds we can definitely be looking at from a different perspective from family activities, different events. I know that our facilities, we just had an Apple Festival and we did it in our grounds. We don't have the rolling greens that you have but events such as that, keeping maybe tents up in the summer time to do outdoor picnics, doing outdoor activities would definitely be a terrific thought.

Legislator Coughlin: Does anybody else have any questions because I have a whole series of them?

Chairman Gould: Yes, do you want to defer to them now?

Legislator Coughlin: If they want then I will go at the end because I have a whole series of them. I don't want to monopolize everybody's time.

Chairman Gould: O.k., Mr. Wendel.

Legislator Wendel: This is directed to Mr. Rodriquez. You have been sitting in our shoes at one point. What do you see as similarities, what are the differences? Obviously the other question and maybe it's three parts, how do you feel about your decision as a whole and on top of that, if we were to talk to the rest of the Legislators from Ulster County would they share that sediment or what's their sediment? Without putting words in their mouth.

Mr. Rodriquez: First off, thank you for having us here. I really have to say that you guys have a wonderful County and really actually a wonderful building. I have to admit to a certain level of envy. Our building was built in the 60's but it is a big glass building and I am not particularly fond of it because it's not very good to heat or cool or anything of those kinds of things. In addition, I have sat where you are sitting and been in a situation and again, in the situation of Ulster County, we had significant budgetary problems for an extended period of time. We had, not a \$3 million dollar deficit in our nursing home, we had a \$7 million dollar deficit in our nursing home. Again, to be quite blunt, your nursing home is in fantastic condition. You really should be proud of that. We were in a situation in which our building was in need of significant upgrades on top of running a deficit. So we were in

sort of a lose/lose proposition and honestly, it is one of the hardest things to go and do is to go and privatize a facility or to go and lay somebody off and you all know that. You probably have been through that over the course of years in terms of maintaining physical discipline. In full disclosure, I'm a Democrat, don't hold that against me –

Mr. Farenblum: As long as he is disclosing, he did not vote for privatization.

Mr. Rodriquez: I did not and that is fine. But I think that there was an understanding that we had a problem. There was an understanding that we had a financial problem as well as a systemic problem and that from a legislative standpoint, at least from my side of the isle, we were looking for finding a good provider. Somebody who work with labor, who would work with our workers, who would respect our workers, who would respect our residents and take care of our residents because that is the highest priority at the end of the day. Whether it's the County of Chautauqua taking care of these people or whether it's Ed or whether it's some other provider, it really doesn't matter. At the end of the day it's the residents that matter. Not us.

So, it becomes a thing where we have to make hard choices as political figures. We have to go and fund dozens of programs in an environment in which the State of New York continuously cuts back and I don't have to tell you about unfunded mandates or how the State has gone and reduced its share on every program, it feels like. Where all of a sudden the counties will be making up the difference because the State has pulled back its share. So that the end of the day, you have to make hard choices like, are you going to cut you Mental Health Department, are you going to cut the Sheriff's road patrol or are you going to go and privatize the County nursing home. If you are going to privatize the County nursing home, who is the best provider? Who is the best person to go take care of those residents because those residents are also your family members and people in your community. So that was our thought process with regards to it. I don't know if you want a follow up to that or if I answered that fully?

Legislator Wendel: I guess the second part was, what is the position of Ulster County at this point? I mean, do you feel confident that this has been successful and you made the right decision?

Mr. Rodriquez: Yes, as a matter of fact, part of the reason I do is that, as part of the team that actually worked on selecting Eddy and his group was actually the biggest critic of the entire privatization process who was also our Minority Leader at the time. So that basically became a thing where, she was able to, in a good conscience sign off on it and here she is coming from the City of Kingston which is not only our County seat, it's our largest city and it was also the home of the nursing home and when you looked at the census, the vast majority of the population came out of that metro area. So, in her position, she has the workers, she got the residents, she has all those different constituencies and she was still able to kind of, in good conscience say that Ed and his group were the guys to go with.

Legislator DeJoy: We here at JCC have an exceptional nursing program and I know that you mentioned that you would be looking to increase nursing staff. Would you be looking locally to increase this nursing staff or would you be transitioning nursing staff from some of your other facilities?

Ms. Sylvia: You would be getting support systems from our other nursing facilities but the hiring process would be within the County. We are looking for local nurses, staff, CNA's. LPN's, you are what makes the community. You all have family, friends, the County feel is not going to change from the facility. That is where our loved ones live so that won't change.

Legislator Whitney: Mr. Rodriquez, could you tell us about the contract that you have there as far as what percentage of employees were guaranteed to get hired and what benefits they got, the whole hiring process?

Mr. Rodriguez: There actually was no guarantee on jobs. That was actually something that we ended up – admittedly though, at the end of the day, they ended up hiring everybody who wanted to be hired. One of the things that you have to note by the way is, you are going to have some staff who have years. I mean, there was a large grouping of staff, almost 100 people who retired. They are retirement eligible, they had their years in and they wanted to walk away. Actually, some of them I believe, Jackie and Annette, I think that you had mentioned that you were actually a little bit upset because some of them you were actually really interested in keeping but they wanted to embrace their retirement because they were eligible.

Mr. Farenblum: The biggest problem was people were a couple of years (*inaudible*) pension and if they stayed with the County in another role then their pension (*inaudible*).

Mr. Rodriguez: So, meaning, if you get someone who is at 18 or 19 years and their not quite 55 or whatever the case might be, some of those folks ended up seeking employment either with the County or with another governing body.

Legislator Whitney: How about the pay and benefits from the County to the (*inaudible*)?

Mr. Rodriguez: There was no guarantee on pay and benefits. You guys are negotiating with the union. (*cross talk*) No, but not in the County contract, not from our end, no.

Ms. Sylvia: In the contract though what we did do is we did guarantee the wages –

Mr. Farenblum: No, that was with the union.

Ms. Sylvia: Oh, sorry, I misspoke.

Mr. Rodriguez: No, not with the County, it was with the union.

Mr. Farenblum: We have absolutely no conveyance with the County of Ulster on what we do as far as labor. On a handshake, we promised them that we would interview everybody, that we would try to minimize attrition, which we did and immediately after our contract was in full force and affect and the diligence period ended, we went up to Albany to meet with CSEA. We're pretty close to being done with the contract. I actually played phone tag a bit with the Director of CSEA's private division today. We're pretty close to finalizing that contract. The wage issue that they mentioned, CSEA asked us for what our proposed wage schedule was. It was somewhat lower than where a lot of County employees were and through negotiations CSEA asked us to honor existing wages for all employees in the bargaining unit who come over and we agreed to, in exchange for something else so every employee who worked for the County and now works for us is at their same wage level they were at before. That was agreed to with CSEA and not with the County. We had no conveyance with the County.

Mr. Rodriguez: And that was part of, from our perspective that is a negotiation that has to happen between labor and the ownership and that is the one thing that we wanted to guarantee from our end, that that was what was going to be happening. Whether it was CSEA or 1189 or whoever was going to be representing those workers, whoever those workers chose to represent them, that that of course that process was going to happen and that they were going to be a recognized union on the shop. So that is what we chose from our end to be our sort of commitment, our position.

Legislator Whitney: A follow up, will everything be set in stone and done before October 30<sup>th</sup>, when we take our vote?

Mr. Farenblum: What does that mean?

Legislator Whitney: Well, will we see how you negotiate and what you came up with –

Mr. Farenblum: With Ulster?

Legislator Whitney: With Ulster.

Mr. Farenblum: We have a draft of the contract. On the margins there are a handful of open issues, how PTO and time and (*inaudible*) leave of absence, noncore issues. I need a labor expert. Mr. Abdella, are you a labor expert? How long after a contract is signed under NRB regs do they have to ratify it?

Mr. Abdella: I am not sure.

Mr. Farenblum: Is there any chance to ratify in the next 30 days?

Mr. Abdella: I think could be but (*cross talk*).

Mr. Farenblum: We're not going to sign in the next week or two, it's at least 2 weeks before we sign and then it's however fast the union can mobilize and ratify the contract. I don't know the answer to that question. But I want to speak towards wages and benefits in general. I am not going to lie to you and tell you that the benefits are going to be exactly the same. In reality is that no private employer can afford to match an authority that has the taxing ability. But, what I will say is, in Ulster and we have done this elsewhere, we did a study of the competing not-for-profit and for profit facilities and it was very important to us to match or beat them on each item of benefits. So, we looked at our neighboring facilities in the counties health plans and we made sure that we had similar coverage plans with less employee contribution. We will likely and I intend on doing the same here.

Legislator Whitney: Ulster County is the first nursing home in New York that you have purchased, correct?

Mr. Farenblum: It is, yes.

Legislator Whitney: So it's the model and that is what I am looking at, I want to see the model.

Mr. Farenblum: It's the model but you know what, going better than expected so far and largely because these fine people are busting their backsides.

Legislator Coughlin: I hate to rain on our love fest here but, I have a series of questions. First to Mr. Rodriguez, it was interesting that you said that you had a team that you worked with, with the County for the selection of the process that was provider was going to take over from the County Home. Did I write that down wrong?

Mr. Rodriguez: No, there was in terms of the selection process and again, I think that we probably used something (*cross talk*) different –

Legislator Coughlin: When you say selection process, what do you mean by selection process?

Mr. Rodriguez: Well we used a different process, is what it comes down to.

Legislator Coughlin: I would like to know what that process is.

Mr. Rodriguez: I will get into that shortly. I want to make sure that it is clear here, I am not telling you guys to do anything –

Legislator Coughlin: I'm just asking what –

Mr. Rodriguez: No, no, no, I'm just clarifying sir. So what we ended up doing, we actually ended up creating a local development corporation and then using that infrastructure to basically go and do the RFP. By doing it that way, we were actually able to put professionals and get them involved in the selection process. So we had somebody who we put on the board, who was for evaluations, we had somebody who was in the medical field, and we put again, from the legislative side, the biggest critic of privatization so that way when she was able to kind of sign off on it, then you knew that it was somebody good. So on the Executive side, there were four appointees from his side.

Legislator Coughlin: So really what you did is, when you said a team, you had members from the Executive, members of the Legislature, members of the community sit down and figure out what your needs were. You didn't have a unilateral -

Mr. Rodriguez: No, but what the Legislature did though –

Legislator Coughlin: Excuse me, you did not have unilateral – it wasn't just the County Executive coming up with this contract?

Mr. Rodriguez: No, but here is what did happen. The Legislature took a vote to go and move the facility to this LDC which was – that was a privatization vote. That is what it comes down to.

Legislator Coughlin: So to get back to this, it was still a team approach, correct? It wasn't done by let's say, a headhunter agency that is going out and looking for a buyer for the County Home, correct?

Mr. Rodriguez: No, but –

Legislator Coughlin: That's o.k., thank you. Because -

Legislator James: He's a lawyer.

Mr. Rodriguez: I was going to say, I was feeling a little crossed examined.

Legislator Coughlin: The reason I am saying that is because I wished that we had that team approach. I wished that it was a little different. We were told constantly that we could not be involved in negotiations but that is beside the point. What I find just amazing and I'll ask this to Mr. Farenblum, you've purchased a number of homes or your family members have over the years, correct?

Mr. Farenblum: Yes.

Legislator Coughlin: What I find absolutely amazing is the fact that each buyer comes in at \$16.5 million dollars. The first offer, second offer and the third offer.

Mr. Farenblum: It wasn't my first offer.

Legislator Coughlin: Where did the \$16.5 come from?

Mr. Farenblum: This is what happened. I don't know what happened with your previous buyer, the one immediately before us except for what I hear. But as I understand for whatever reason the deal didn't work out and I am sure that you can talk to Mr. Edwards about the details. When that deal started falling apart, Josh Jandrus(?) of Marcus and Millichap who was the broker who represented you guys, I believe the headhunter agency you were criticizing.

Legislator Coughlin: I wasn't criticizing. Just calling what they are.

Mr. Farenblum: Josh is an old friend. I have known him for a long time. He gave me a call and said, listen, there is this facility, you have seen the RFP. The reason we didn't bite the first time you put the RFP out is just because we were busy on our other project and didn't want to push our resources to far. So he said, you have seen the RFP, it's a great facility and I trust Josh and please take another look at it. We looked at the financials that night. We got on the phone with your County Executive, we chatted a bit, we did – I don't want to say through diligence because it happened very quickly but we did cursory diligence. We did a lot of document diligence and we offered, Greg, do you remember, we offered \$13 or \$13.5.

County Executive Edwards: I can get you the exact number.

Mr. Farenblum: It was \$13 or \$13.5, was our opening offer.

Legislator Coughlin: But in actuality, you are going to buy it for \$15 something.

Mr. Farenblum: Oh, I am getting there. I am telling the story. Don't cross exam. Let me narrate. Direct not cross.

Legislator Coughlin: No, no, no.

Mr. Farenblum: So, Greg walked away from the table at that point. Josh pushed to bring the deal back together. He pushed us up a little bit and then we had an intense round of negotiations with Greg and Steve the end of which was what you are asking about the receivables. We came up a bit and traded the receivables for the difference. For whatever reason the \$16.5 million that we get up to that was important to your County Executive, I believe because of the optics of he didn't want the offer to be lower. We of course, extracted more value by getting the receivables and I think that we're –

Legislator Coughlin: So it is lower.

Mr. Farenblum: I think that we're over paying a little bit. Yes, it's lower.

Legislator Coughlin: It's not \$16.5 which everybody is counting around here.

Mr. Farenblum: It's \$16.5 but it's different assets being sold.

Legislator Coughlin: Thank you, now, the RFP specifically that we had agreed upon when we were looking for a buyer, was going to have – that these positions would be open to - if there was

a buyer that came in, that they would have to at least offer to the County employees at the Home. Who dropped that? Is it something that you negotiated out?

Mr. Farenblum: I want to be perfectly clear here, I wasn't responding to an RFP.

Legislator Coughlin: So you never responded to the RFP?

Mr. Farenblum: I never responded to your RFP and I wasn't responding to your RFP. We came in because, through Marcus and Millichap, your County Executive, sensing that his deal was in jeopardy and being the diligence steward and fiduciary that he is, looked for plan B and he reached out to us –

Legislator Coughlin: Whether he's fiduciary –

Mr. Farenblum: I'm not bias.

Legislator Coughlin: He went outside of the RFP and –

Mr. Farenblum: No, he didn't. We sense that his deal was falling apart and he approached us.

Legislator Coughlin: But he went outside the RFP.

Mr. Farenblum: And he requested that we respond to the RFP and we did not because we were negotiating a deal rather than responding to a process one; and two frankly, I don't think we're in a position to offer employment to everybody without having diligence them at all and I don't think that you would do the same, blindly offering employment to everybody.

Legislator Coughlin: This is my biggest complaint as you will probably find out. We get the contract on October 1<sup>st</sup>, you did come before us, and we don't know what is going on. It's October 9<sup>th</sup>, 8 days and we're wallowing around trying to figure out whether or not we should go through with this. We have a couple more meetings but that is not a lot of time. It is not a team approach. Signing of things that we saw go on in Ulster County. Who picked the 30 days? Now, I understand - did you pick it or did the County Executive?

Mr. Farenblum: You are an attorney, you know how negotiations go. We reject each other suggestions, we posture –

Legislator Coughlin: To me it seems very uncanny –

Mr. Farenblum: I want to be perfectly clear, this is not (*inaudible*), you're an attorney, you are going to appreciate this. Where I come from options require consideration. If you want to purchase - put option against me, then we can negotiate that and we can have a long term put option and an open ended put option but it requires consideration.

Legislator Coughlin: Would 45 day be too much? To consider something \$16.5 – what I am getting at is, what is going on? At least I will say it. Because this is a force of vote before – a vote on the County Home before the elections for both the Legislature and the County Executive? That is what I believe the 30 days is for and I am just trying to figure out, who asked for the 30 days?

Mr. Farenblum: I will tell you what the tight time line is. Look, I can't speak to anybody else's motivation I can only speak to my own motivation. We're going to buy a facility in New York in the next year, right. Right now, our number one option is your facility. If it is not your facility, it's somebody else's facility. We have to know that sooner rather than later.

Legislator Coughlin: My problem just simply, I don't believe there is enough time for the due diligence to really look into what is going on and that's why and that is why I am asking about the dates. But we'll leave that alone.

Mr. Farenblum: Diligence as far as contract terms or diligence as far as who I am?

Legislator Coughlin: Diligence as far as who you are.

Mr. Farenblum: I am just curious, the first date that I came up here was in, somebody has to help me out there. It was in August, wasn't it?

Mr. Abdella: August 28<sup>th</sup>.

Mr. Farenblum: August 28<sup>th</sup>, so –

Legislator Coughlin: But at the time negotiations were going on and we didn't know a contract was going to be signed. I just wished that I had a little more time but that is beside the point. But I have been able to look into a little bit about you and I hate doing this stuff.

Mr. Farenblum: One personal comment. I appreciate it, I was supposed to go away with my wife and because this deal heated up, we were negotiating and I canceled, I understand the frustration of short time lines, it's the reality of commercial transactions though.

Legislator Coughlin: I don't think that a few more days past the election day would have hurt us. But that is me.

Mr. Farenblum: When is the election, November?

Legislator Coughlin: Fifth. I, again, all I can do is put in names and find out what is going on, so, I believe when you were here last time, how many facilities do you and your father own?

Mr. Farenblum: When you say facilities, you mean skilled nursing or anything licensed under Article 28?

Legislator Coughlin: Anything licensed under Article 28 to start?

Mr. Farenblum: Thirteen I believe.

Legislator Coughlin: And how many skilled?

Mr. Farenblum: Twelve.

Legislator Coughlin: You only mentioned, I believe, three when you gave the presentation though.

Mr. Farenblum: Yes, we're building two portfolio's an upstate and a down state. Yea, I guess we only mentioned three.

Legislator Coughlin: Of course, now I hit your name and it comes up – one of them being and again, I didn't get a lot of chance to look at all these different things. One is, do you - what is your involvement in the Nassau Extended Care Facility?

Mr. Farenblum: We own a substantial interest in it.

Legislator Coughlin: I understand that these rankings are all over the place but ranked two out of five stars, correct?

Mr. Farenblum: No.

Legislator Coughlin: Well, the ranking that I had from US News, had two out of five stars when I looked it up.

Mr. Farenblum: Is it recent data?

Legislator Coughlin: As recent as I could get it at the time.

Mr. Farenblum: If you check CMS's website, four out of five stars.

Legislator Coughlin: Well, I am going to go with the ranking that I have here. One of the deficiencies – what I saw –

Mr. Farenblum: Wait, whoa, I don't know. Somebody approached us today with a question about Avalon Gardens and deficiencies in 2005. I am sure that it is on your list and you are going to hit me with it.

Legislator Coughlin: I wasn't going to Avalon Gardens until I find out your relationship with a Mr. – I have to find his name and I can't find it but anyways, what I find as a deficiency or what they cited as a deficiency was the amount of contact per day of care received per resident. That was the lowest of the ratings and what it has a nurse - a resident – a nurse sees a resident in this facility one hour and 12 minutes per day against the State average which is 1 hour and 32 minutes a day, an RN sees a resident 27 minutes per day versus 42 minutes per day and a physical therapist sees a resident per day 3 minutes versus 6 minutes. Now, that is only 15 minutes difference, 15 differences per resident and 3 minutes difference if you take it. But at your full capacity and you run 280 and you multiply the minutes you are talking about deficiencies of 70 hours less of nurse patient care, 70 hours less of RN care, and 16 hours less of physical therapy per day in the facility. That is what I came up with my calculations.

Mr. Farenblum: So, I am going to venture a guess that you are looking at extremely old data. I can tell you right now that Nassau and I invite you to come take a look and I will drive you down there this week if you want and survey team is in there as we speak by the way.

Legislator Coughlin: I am just saying that I found these – again, I don't get a – so, will you extend the contract for 45 days so we can go down and do a little more due diligence before we have to do this vote?

Mr. Farenblum: Am I negotiating with the committee? I mean, how does this process go?

Legislator Coughlin: I just wanted to know if you'd be willing to do that.

Mr. Farenblum: I would like to get an up or down vote and if it's down, then I guess we talk thereafter.

Legislator Coughlin: I am just worried about again, time frames, staffing levels, etc. Because I found out that you also own or have part ownership in Golden Gate, East Chester Rehabilitation, Bay Park, White Plains, Hampton Center, Woodmere, Avalon, Bayview, (*inaudible*) –

Mr. Farenblum: That's sounds right.

Legislator Coughlin: All those, you are – what is your ownership rights in those?

Mr. Farenblum: What is our ownership rights?

Legislator Coughlin: What is your ownership percentage, are you majority owner, are you minority owner?

Mr. Farenblum: Nassau we're majority owner and White Plains, we're no longer owners, Golden Gate, we're majority owners, East Chester, we're no longer owners, you want to go through the list?

Legislator Coughlin: Well, what is your arrangement with San Tosa Care?

Mr. Farenblum: San Tosa Care is an outside vendor.

Legislator Coughlin: What is your relationship with them?

Mr. Farenblum: We pay them for services.

Legislator Coughlin: And what type of services do you pay for?

Mr. Farenblum: PT's, OT's, compliance, some fiscal office, that is about it.

Legislator Coughlin: What is your relationship with Ben Phillipson?

Mr. Farenblum: We have some joint projects with him including the aforementioned Avalon.

Legislator Coughlin: Now, Mr. Phillipson, if I have this correctly, was involved in a recruitment agency in the Philippines agency called San Tosa Recruitment Agency, right?

Mr. Farenblum: When you say involved in –

Legislator Coughlin: Was the President of.

Mr. Farenblum: I don't think that is right.

Legislator Coughlin: Well, they provided nurses from the Philippines for the Avalon Gardens, correct?

Mr. Farenblum: Correct.

Legislator Coughlin: Of which they reneged on the contracts in what they were going to do, correct?

Mr. Farenblum: I can't speak to it. Let me – without cross examining me –

Legislator Coughlin: These are very important – this is in the New York Times

Mr. Farenblum: It was in the New York Times.

Legislator Coughlin: 2008, it's in other journals throughout that area that have to do with bringing over nurses from the Philippines that were promised airfare, housing, green cards, etc., upon them coming to the United States of which they never received. Now, did that happen or did that not happen?

Mr. Farenblum: Let me speak to the story.

Legislator Coughlin: Did that happen or did that not happen?

Mr. Farenblum: I have no idea.

Legislator Coughlin: Thank you then how can you speak to the story if you have no idea?

Mr. Farenblum: I will tell you what I know.

Legislator Coughlin: If you have no story, how are you going to have a version?

Mr. Farenblum: We purchased Avalon from the Lutheran Church. We have severe staffing issues, we turned to an agency owned by a friend. They provided 13 nurses.

Legislator Coughlin: Of which conditions were so bad that they walked out on the job, correct?

Mr. Farenblum: Of what conditions?

Legislator Coughlin: The conditions of which they were living under and there was a breach of contract, they left the job and then they were ultimately charged by Suffolk County for endangering the welfare.

Mr. Farenblum: Can I ask you a question?

Legislator Coughlin: Sure.

Mr. Farenblum: Do you know the conditions in the workplace of every sub-contractor that you use in your business or for that matter, in the County Home?

Legislator Coughlin: I assume that you are going to sub-contract this place to someone too? That's the standard - if you have all these different things (*cross talk*)

Mr. Farenblum: No, for certain things we do, for certain things we don't. Look , I mean, in Golden Hill we subbed out some of our kitchen stuff to Sadeckso(?) who's doing a spectacular job.

Legislator Coughlin: This is what I have been able to come up within 9 days. Just 9 days. This is very difficult for me and I think that we need an extension for our due diligence to get an answer to some of these things. Real answers and other than that – go ahead, tell you story but I'm just saying, this is what I found in 2 days (*inaudible*).

Mr. Farenblum: Look, took over a facility, we had staffing issues, we turned to an outside staffing company because we had those shortages.

Legislator Coughlin: That took in nurses from the Philippines.

Mr. Farenblum: That took in nurses from the Philippines.

Legislator Coughlin: Not local nurses.

Mr. Farenblum: We had a temporary need for - look, what do you do? If you have 340 residents that we do in that facility and on day one you don't have enough nurses, what do you do? Keep the RFP open and wait until the local nurses come while your residents die, what would you do? I ask you, would you not sub-contract, yes or no?

Legislator Coughlin: I'm not –

Mr. Farenblum: Would you subcontract, yes or no?

Legislator Coughlin: I am not in the nursing home business.

Mr. Farenblum: Yea, would you subcontract (*cross talk*) 340 lives that you are in charge of and you have a shortage of RN's and LPN's.

Legislator Coughlin: I would hope that I was on top of my subcontractor to not get into a position where all of this was going to happen and I lost control of the situation.

Mr. Farenblum: Three hundred and forty lives – look, where mistakes made? Yea, absolutely. Did we make mistakes? Yes, absolutely. Did we turn to a staffing agency that clearly was not up to snuff? Yea. It is what it is? You never made a mistake? I am not perfect, you are not perfect.

Ms. Sylvia: Could I just make a comment, please? On June 27<sup>th</sup> we made the acquisition of Golden Hill, we were down about 50% of our staff, we had already started recruiting. On the first day that we became the owners, we had 27 people at orientation. On the 28<sup>th</sup>, we had another 20 people at orientation. The entire management team including myself had worked 7 days a week, approximately 80 to 90 hours a week, taking care of our residents, cleaning floors, cleaning bathrooms, taking residents, serving meals, we did what we had to do. In that time, I am proud to say

that we have not had to use any agency. We had caring good staff from the County and our new employees who took care of those residents because they care. Because that is our responsibility to take care of the people in our County and the people who have made our country what it is today and that is what that staff did and that is what we would expect out of the staff at Chautauqua County.

Legislator Coughlin: What I was getting at was, your contract does not stipulate that you will hire the current County workers. I am wondering who you are going to hire and all of a sudden I hear that they go out and take it from the Philippines and I am just trying to figure out what happened here?

Ms. Sylvia: Would you like to hear our hiring process?

Legislator Coughlin: No, I wouldn't. I'm just going by –

Ms. Sylvia: Would anyone like to?

Chairman Gould: Mr. Nazzaro, you are next please.

Legislator Nazzaro: I'm not an attorney.

Mr. Farenblum: Can I finish responding to that?

Legislator Nazzaro: I think that we have heard enough on that, I really do. Unless the Chairman, who is in charge of the meeting, would like to, but I am the financial guy on this and also I have a strong background in health care. I just want to remind everybody here when we began looking for a potential buyer, we did put a set of stipulations on the contract, a set of conditions. We had a buyer come here with an offer that met all those conditions. Obviously the other buyer was up here like you are, was drilled, and the offer was turned down. I voted for the offer, it fell one short. I think it fell one vote short. I remember in our discussions and the Executive did bring me in and some other Legislators early on in the process. We met Marcus and Millichap and I remember the theme was, we may not get – depending on what conditions are in the contract, you may not sell it to the highest bidder. You have to look at the quality of care and I think you alluded to the fact that – that is what I have to look at. From the research I have done, yes everyone makes mistakes, you have to be careful of the reports that you read. Any facility you are going to find quality measures in the stars ratings. Some of those star ratings are so narrow, one little deficiency can knock it from a 4 star down to a 2 star. Some of our homes in Chautauqua County are not as high star rated as we think they should be because of one or two deficiencies. Granted, I mean, from the financial end, this is not as good of a contract. I mean, financially, we had a bid for \$16.5 million, we turned it down. Now, we have another offer, they do have ownership of the account receivables so you are correct, we are getting less because of the equity that is going to be left over is going to be less. I personally don't like the fact – the Altitude contract was going to offer – agreed to offer employees a benefit package similar. They were going to agree to hire without pay cuts the current ones. Again, the more offers we entertain, I think you are going to see the purchase price go down and I don't think that you are going to see – to me, you have to look at the quality. To me, that is the number one thing and that is the quality of care for the residents. The main issue I have right now is that we have to vote on this by October 30<sup>th</sup>. I have been on record and I want to see the Home privatized to the right buyer. I think that is a trend that you are going to see and for all the reasons you stated, however, I think by putting that October 30<sup>th</sup> date on there is jeopardizing this whole process. I am not accusing anybody, I am not saying – I'm running unopposed. I think that it is more north/south part. I am the south part of the County, the City of Jamestown. I respect those in the north County but there is a small margin of votes here that are either going to make this successful or not. So I guess, we can't negotiate but I think that you put a lot of us at ease if that date was not tied to October 30<sup>th</sup>. We're talking with an

election of November 5<sup>th</sup> and some of the people and I am not going to say who, will be affected by this vote. Some people are in a no win situation. So, I would like a little more time for due diligence and Legislator Coughlin would like some more time, but we're not allowed to negotiation but I'm not getting a warm fuzzy feeling that you're willing to move that date.

Mr. Farenblum: Steve, do you remember the first version of the contract I turned to you? We had either 7 or 10 days for you to write it up. Do you remember what it was? It was much tighter than 30<sup>th</sup> and you have to really twist my arm to get it to the 30<sup>th</sup>.

Mr. Abdella: I would have to look but it was very quick.

Mr. Farenblum: Our original offer was 7 days or 10 days, I don't remember which one and I have version one of the contract somewhere but it was 7 or 10 days. Thirty days was a give. I mean, frankly, we're not use to this sort of thing. Standard and commercial transactions you have a board that ratifies a sale process and then you have an Executive who is authorized to enter into a contract. This is sort of a backwards process and I mean, frankly –

Legislator Nazzaro: How long did you give on the current home you're –

Mr. Farenblum: None. Signed, sealed and delivered. It was binding the day it was signed.

Legislator Nazzaro: But how long was the offer – when it was presented – you said that you set up a different process.

Mr. Rodriquez: Yes, we had a different process.

Legislator Nazzaro: So the County Legislature did not have to vote on it once it transferred over to –

Mr. Rodriquez: But the Legislature had to vote on actually turning the asset over to the LDC and that was with the Executive sort of driving the train so to speak in terms of pushing that particular process. You guys need to do whatever you need to do. That is just what we did in Ulster.

Mr. Farenblum: Our team is a team of limited capacity. We're going to take a certain number of projects as long as we have an offer out on one project, we're kind of stuck and precluded from –

Legislator Nazzaro: Ten days, you can't give 10 days?

Chairman Gould: Mr. Nazzaro, our attorney would like to speak.

Mr. Abdella: I just want to interject. On those county models where they have used an LDC, just to be clear, the Legislature has seeded away the decision making to that LDC on the sale of the facility.

Mr. Farenblum: I think that I got caught by accident in something that was political and I did not intend on getting caught in. But, if you are only asking for 7 days, then it's sort of disingenuous to say that it's about diligence because you are not going do more diligence in 7 days than you are going to do in 37 days when especially you have a very capable lawyer right here. So somebody tell me what this is really about. What do I not understand here?

Legislator Wendel: So basically what you are saying then is, when this was done in Ulster County you signed off on the home. You decided you were going to sell and you basically liquidated that from the County possession prior to every having a buyer, prior to having – basically you turned it over to the LDC and they decided.

Mr. Rodriguez: We're all Legislators here so I am talking amongst colleagues. Sometimes legislative bodies don't always work as well or quickly as we would like. I have been in the Majority and the Minority but I prefer being in the Majority certainly. It's a lot more fun. In the case of Ulster, we actually had an RFP process that sort of got botched up in the beginning portion of it. I guess to give it some timeline, the Executive actually threw down the gauntlet two years in advance in his State of the County. At the time, the then Majority leadership of the Ulster County Legislature, not to be political, but, was Republican but, didn't really get its act together and by a certain point, financially, you're budget gap is now growing and the gap on the facility is now growing and it grew almost exponentially at a certain point. So, by that point when we made the decision to go with an LDC model, that was explicitly for the point of expediting the process. That is why through our appointments, we were able to put certain people that we wanted on there. Again, someone who had medical expertise, somebody who had valuation expertise, somebody who was again, the biggest critic of the process, putting her on it. But, make no mistake, we did make the decision. By making the decision to go and turn the asset over to the LDC, we made the decision on privatization. So, I mean, that happened. Let me just take a step back. With regards to nursing homes, we all know the decision by the State of New York to go and change reimbursement rates, to go and honestly set the scales against County facilities, this decision was made a long time ago. I am not trying to say, you guys may be able to find a way and you guys may be the exception to the rule to go and basically find a way to go patch the budget and go patch the budget hole that is there and I wish you the best of luck in that process. I am just saying from the State's perspective, they stack the deck against public facilities and that was a decision that was made a long time ago.

Legislator Ahlstrom: I have a couple of questions. First, I guess I would ask sir, if you would be willing to assure this Legislature that you will not contract with the company in the Philippines to bring nurses here?

Mr. Farenblum: Yes.

Legislator Ahlstrom: I think that should solve some of the problems that we have tonight. On a couple of the other comments, this Legislature has been dealing with this issue for a couple of years. We have been aware of your companies since August. Legislators, in my opinion, certainly have had time to do their due diligence. I am speaking as a Legislator that most likely will vote against the sale. I am, as you said sir, your Minority leaders position, the Home is in my district. The residents there are voters and many of the employees and families, I believe, in a survey that came back it was about 90% of the residents of the Home are from the City of Dunkirk which I represent half of. But having said that and I hope that we don't do to you as we did to the last perspective buyer that we take a look at. My position if I did not live in my district, I guess would be, as long the buyer has the financial ability to deliver the amount of money that we negotiate for the sale, that should be our role here as a Legislature. But a couple of other things. I would like to hear and then I do have one more question, I would like to hear on the hiring process. You wanted to give us an explanation before. I would be interested in hearing that.

Ms. Sylvia: For all of the employees, they have the opportunity to apply to the facility and we have a very clear employee handbook. Our hiring process entails filling out an application. We would be looking at your references. We do mandatory drug testing for all employees. We also complete all of the CHRC, which are the criminal background check to all of our employees which then go through the Department of Health to determine that we can hire these employees for our

facility. Then they go through an interview process. We're looking for the best people for the facility and the best people for the positions.

Legislator Ahlstrom: Thank you. To some remarks made by Legislators about the other timing on this. I guess a couple of things. The election timing. You shouldn't be running for office if you are not willing to take a position on an issue, would be my opinion. Certainly it's easy for me to say, I'm running unopposed. But, that is – I mean that is fair. This should not be a surprise to anybody that we're voting on it at this time. I also thinks that it fits perfectly. We're going to make budgeted decisions the week before that we vote on the sale. Depending on what we do in that budget has a lot to do with the viability of the County Home in the future. I am looking at Mr. Nazzaro, I believe I read today in Audit and Control you have sustained that the IGT funding is coming out of the budget or at least a certain amount of it.

Legislator Nazzaro: That was the recommendation from Audit and Control not to fund it.

Legislator Ahlstrom: Right. Which certainly plays into, I think, the County's financial standing in that, in the future if we were to maintain the Home or keep it, it's going to decrease their surplus. So, I'm not afraid of making a decision on October 30<sup>th</sup>. I think and I have done some of my due diligence in looking at the perspective buyers. As I say, being a person voting against it, I am much more comfortable with this buyer than I was with the last buyer as being somebody that is going to deliver to Chautauqua County and work with Chautauqua County.

Mr. Farenblum: Just to respond to one part, if I could. I would construe a question, well not really a question. To your first point about not taking anything personally, we're not doing to the buyer what they did the last buyer and I don't know what happened, but none of this is personal. It's your duty to diligence us. If I were in your seat I would be doing the same thing. It's the right thing to do. You are stewards of the facility, your fiduciaries of your constituency and I appreciate the diligence, even where I think it's misconstrued. I appreciate it.

Legislator Ahlstrom: One more thought. I certainly appreciate that. My frustration is with Legislators that will look for excuses to justify their vote as opposed to, I have no problem saying, I live in the City of Dunkirk, I believe the people that vote for me want to see the Home remain open and that is what I was elected to do. I don't think that it is wrong for a person to say, I am a union supporter. I support the union workers in our County and I am going to vote against the sale of the Home because that's the way that I believe. What I do think is wrong is when the Legislature is digging up things from everybody's past and all of us, no matter what the issue is, is going to have something to use to smokescreen what their actual positions are. That is not addressed to you sir or the group up here but to the Legislators. Vote the way you want to vote. That is what we got elected to do.

Legislator Borrello: I do have a couple of questions myself. To Mr. Rodriquez, I think that we need to clarify this a little bit. I have said in the past as you let this go by and the situation becomes direr and the deficit becomes budget busting which it sounds like it happened in Ulster County, than you are going to start to take desperate moves as a body. It sounds to me like what and no offense to you, it but it sounds like what you and your colleagues did was you turned the decision making – you basically we're going to sell the Home and you didn't know who it was going to be sold to or at what price. Is that correct?

Mr. Rodriquez: We had done that previous RFP, we had an inclination as to its valuation. We had an inclination as to the type of buyers –

Legislator Borrello: Right, but you (*inaudible*) decision. (*Cross talk*)

Mr. Rodriguez: No, no. we had appointees.

Legislator Borrello: Right but what I am saying is, you basically as a body, will all due respect, copped out on making this decision.

Mr. Rodriguez: I mean, if you want to clarify (*cross talk*)

Legislator Borrello: (*Cross talk*) Ulster County, so I will say it, so you copped out on it.

Mr. Rodriguez: A thus a feud between Chautauqua and Ulster was born. (*laughter*)

Legislator Borrello: Right, but the point that I am trying to make is, you guys were – for two years your County Executive said this is a problem, you kind of hemmed and hawed and did what you did and then all of a sudden you said, I have a great idea. We're going to let somebody else make that decision for us. Is that kind of accurate? Yea, o.k. there you go. So we can sit here and debate and discuss but let's talk about some other things that have happened in the last 30 days. In the past 30 days I was delivered a book that weighs about 10 pounds that is about this thick that has, I don't know how many hundreds of pages in it and I made decisions along with everybody else in this room on a \$235 million dollar budget that affects 2,000 employees and a 134,000 plus residents. That happened within 30 days. This process, which is actually more than 30 days, is somehow a problem to have it happen within 30 days, because somehow Google has slowed down on everybody and you can't figure out what your due diligence. So number one, I think that we have plenty of time to make a decision here considering what we have just decided on in the past 30 days. We cut, how many millions in 3 days out of the budget? Two million dollars out of the budget in 3 days in Audit and Control. But, to get back to my original point. You guys took a position that you weren't going to make this decision. We on the other hand are making this decision. You made the decision but you didn't know what actually the result was going to be.

Mr. Rodriguez: There, that nuance, that is where I will kind of agree with you in terms of that. Because, once you turn the asset over we knew it was being sold -

Legislator Borrello: You didn't know to who or what price.

Mr. Rodriguez: But we had an inclination and a ballpark at that point so it's not as if it was being done in a vacuum or something along those lines.

Legislator Borrello: Right, but you didn't make those decisions.

Mr. Rodriguez: I know, that's accurate. Look, you guys had to go through the same process as a macro level, the same process what we do which is, do you go and continue funding the nursing home or do you go and cut other programs.

Legislator Borrello: I am not looking to beat you up.

Mr. Rodriguez: I understand.

Legislator Borrello: I am looking to say, (*cross talk*)

Chairman Gould: Please don't both talk at once boys. One at a time, please. I can't understand both of you when you both are talking.

Legislator Borrello: Yea, the comment was made that this was a collaborative effort, that there was this big partnership between the Executive and the Legislative that is not really true. That wasn't your words, I believe they were Mr. Coughlin's words. That isn't really what happened. You guys just said you know what, we've kind of gone in circles long enough, let's let somebody else decide, right?

Mr. Rodriguez: Not exactly that way but for the sake of expediency.

Legislator Borrello: Thank you that is my first question and comment. My second question is, there is obviously quite a few nursing homes that are on the market, County owned nursing homes. Are you looking at any other ones that you are free to say?

Mr. Farenblum: We're looking.

Legislator Borrello: You're looking at other County nursing homes in New York State?

Mr. Farenblum: Absolutely.

Legislator Borrello: O.k., that is what I wanted to know. Thank you.

Mr. Farenblum: In the past three weeks I was in two other facilities that are for sale.

Legislator Horrigan: Just on the sake of due diligence. After you came with your team and made the presentation, I contacted Shannon. Two of us went down, drove down, made an appointment, pretty much at our convenience and went through the Home. In addition to that, talking to families, talking to residents, seeing the Alzheimer's/Dementia, seeing Golden, seeing the independent living, seeing the different modalities of care. I would encourage the Legislature any of them to take a day and to go down and to visit this facility. In addition, I spent the time to talk to the folks in Ulster County and understand how that process went through the Legislature and why they did that. There is ample time to do that. I think we're all trying to justify different things to get to a delay when in reality, this is the most important decision that I feel that we will make this year. It's time to get on with the decision and the due diligence is right here before us and still can be done. By the way, if anybody needs the Human Resources manual, I don't want to cheat on her but, Shannon gave us a copy of the Human Resources booklet to all the employee manual. So I have that available if anybody would like to see it. Thank you.

Legislator Whitney: Who is going to operate the Home?

Mr. Farenblum: When you say, who is going to operate, you mean, who is going to be making the decisions, governing body level, who's going to be day to day?

Legislator Whitney: Yes.

Mr. Farenblum: Look, I don't know who is going to be the Administrator as of yet. We have met the team over at the facility and we were impressed with them. Likely we'll extend the offers to a lot of (*inaudible*) and senior staff and they will be the people with boots on the ground doing a lot of the administrative stuff. As far as final decisions, it's going to be myself, Dr. Boccia(?) and my father, who the Administrator will be reporting to. Either directly or Shannon who is the Regional Director. Shannon, who you met last time.

Legislator Whitney: Mr. Hellwig won't be there as of the 1<sup>st</sup> of the year because we didn't fund the IGT so he is not required to be there any longer. Are you planning on hiring somebody to put in his place?

Mr. Farenblum: What do you mean Mr. Hellwig is not going to be there? You need to have an Administrator.

Legislator Whitney: Not according to our change that we just made last month. If we don't fund the IGT, it has something to do with frivolous lawsuits, I was told but, we're not going to fund the IGT.

Mr. Farenblum: I will tell you what that is a mistake. If you don't have an Administrator, the State is going to put you in immediate jeopardy, into receivership and I will buy your facility for one dollar.

Legislator Whitney: That is what the amendment was.

Mr. Farenblum: You shouldn't do that because it is dangerous but I will end up owning your facility for one dollar.

Legislator Whitney: I fought the amendment. The amendment was, if we don't fund the IGT, we're no longer required to have an Administrator.

Mr. Farenblum: No comment. You shouldn't do it because it is dangerous but no comment.

Legislator Nazzaro: This is very frustrating. Actually, Legislator Ahlstrom, we have been talking about the nursing home or the County Home when you were Chair. You appointed a committee. You had me Chair that committee. That is how many years ago, four or five? We had many good Legislators, Legislator Mueller, DeJoe, there were several on there. We met many times, toured the Home. Made recommendations, met with the staff. It wasn't a fancy bound report. It didn't cost \$80,000. When you read through a lot of the recommendations, they are very similar to what was in CGR report. What's frustrating is, it comes down to two choices. We either privatize it, or we continue to own it and if we continue to own it, then we have to put the resources in it to make sure that it is operating effectively. The quality of care. It all comes down to the quality of care. If this vote is put up October 30<sup>th</sup>, I will vote to privatize it. If it's put up November 10<sup>th</sup> to the right buyer, or November 30<sup>th</sup> to the right buyer, I will vote privatize it. What is going to happen here and I will say it right now. We have the vote October 30<sup>th</sup>, it's going to fail. That is the politics. This is a political body. Let's get through all the b.s., the bottom line is, if it's voted on before the election, guarantee you that you will not have 17 votes. However, if it's postponed until after the election, you may, I can't guarantee but you may have 17 votes. So, *(battery failed on recorded – changed batteries at this point)* care. You are in a business to make money. We're in the business to serve the people of this County. So a compromise is, you are getting one heck of a deal.

Chairman Gould: I didn't see a question there Mr. Nazzaro.

Legislator Nazzaro: No, I am making a statement. The question is, I can't answer the question. I am just stating my position as a Legislator and what I see is going to happen there. I think the goal is to either operate it and we're going to have to put the money into it and fund the IGT or to privatize it. I don't want to see it go down.

Mr. Farenblum: I want to speak to the valuation question. There are handful of different metrics use to value nursing homes on the market. Per bed multiples based on the whole bunch of factors or cap rates. We are outside of my comfort zone on a per bed number for an upstate facility. This is more than I would agree to accept for the fact that my father liked the facility a lot. So, we're here. As far as valuation, there are substantial ancillary issues that have to be taken into account when doing valuations. Difficult of privatizing County facility. It's more expensive than buying a private facility. For instance, you have to put all new I.T. in which is something that you don't have to do in the private facility. It's a couple of hundred thousand dollars right there on day one that is done on an emergency basis because you have to be able to – I don't know, make 911 phone calls on day one, just in case. The facility in question has another valuation difficulty in that it has a gas well on the property which it makes is un-financeable or very difficult to finance. I don't know how that plays into your calculus and as far as cap rate multiples, frankly there are two ways to run a nursing home. To milk them or to reinvest in them and if you are reinvesting them, you are going to have a lower bottom line. And we're outside my comfort zone on a cap rate multiple also. You can speak to Josh Jandrus(?), he has much more detail than I do or at least more data of which I lean on heavily when I make my decisions.

Legislator Barmore: This group met with us back in August and as Mr. Horrigan stated earlier, him and I took it upon ourselves on September 3<sup>rd</sup>, to get up at 4:30 in the morning and drive out to Susquehanna to meet with Shannon. Spent 2 hours touring the facility. We spoke to the PT Manager. I don't know if that is the proper title.

Mr. Farenblum: Victoria.

Legislator Barmore: Yes, the lady in charge of Physical Therapy. She told us that she worked there prior to you purchasing that Home and back at that time, you had 3 Physical Therapist. Through your contacts with other Homes and hospitals in the area, different processes that you went through, the PT Department now has 13 Physical Therapist instead of 3. She told us that you were looking to expand even further. The place was so busy that Vince and I almost got ran over. I mean, it was just a booming place. We spent 2 hours touring the facility. I mean, Shannon didn't go out of her way to do anything other than to show us around. We were amazed at the number of employees, patients, and family that on their own volition came to Shannon and hugged her and thanked her for letting them work there. Letting stay there, letting them have their families there. We talked to the head of your dietary department, we talked to some people having lunch in there. I mean, I have never seen such happy people in my life and they didn't know that we were coming. This was not put on, this was for real. Mr. Horrigan and I took it upon ourselves to do this more than a month ago. There is 23 other Legislators in this body and every single one of them has had the opportunity to take it upon themselves to do what they need to do and now we walk in here tonight and we hear from some Legislators that they just don't have enough time. I am not running for reelection for Legislature this year. I am running for the County Clerk's position instead and I have spoken to numerous groups over the last number of weeks and one thing that I get asked at every single group that I go to is what is your position on privatizing the County Home? I tell them, the County Clerk doesn't have anything to do with the privatization of the County Home. My position is public. We've had a vote. I've stated my position numerous times. Everybody is aware that I am in favor of privatizing the County Home but when I go out go speak, I try and avoid the issue because I don't want to make it a Clerk's issue because the Clerk has no vote on whether the Home is privatized or not. But everywhere that I go to speak, the people tell me it's very important to us to know where you stand, where all our Legislators stand. We want to know, are you for privatizing the County Home or are you against privatizing the County Home? So, I always answer them, yes, I am in favor of it and I just don't leave it at that. I give them the numerous reasons why I am in favor of privatizing the County Home but the people of this County want to know where each and every one of their Legislators stand and they feel that it is an important issue prior to the upcoming election. Mr. Nazzaro, who I respect greatly and is a very good friend of mine, made a statement that perhaps one

or more Legislators might be willing to vote to privatize the Home after the election that would not be willing to vote that way prior to the election. What I am hearing around this County is, the people of this County, whether you are for or against, they want to know where we stand. To say that there is one or more Legislators that would vote no, we're not going to privatize prior to the election and then turn their backs on the same people that supported them and the upcoming election, because of their position on privatization, turn right around 10 days later and then vote to sell it out. That is not being very honest as a Legislator or a person running for political office. I'm sorry, we've had plenty of time to do our due diligence. I learned about you more than 30 days ago. I have spent a lot of time checking you out, I spent a lot of time checking out your facility in Susquehanna and talking to Shannon and reading the material that I have. If anybody's waited until the last few days to start, shame on them. Thank you for coming tonight and putting up with these questions that we have.

Mr. Farenblum: Mr. Chairman, I heard a question in there so I am going to answer. First of all, I invite you downstate also. For whatever troubles it's had and for the fact that it's an old vintage building, I would love for you to look at Avalon Gardens also and you too sir. Let me tell you a little bit about Susquehanna and just to put in context the comments about Avalon. You know, facilities are difficult to change culture in and your often stuck with prior mistakes. Either your own or other people's and it takes a while to change them. So you talk about Susquehanna being model facility and I agree. It really was our baby over the last couple of years. We tried a lot of innovative things there, it was the chosen facility for our best practices and it shows it. We purchased in 2007 and in 2008, we had 26 deficiencies. Some 9 months after we purchased. A lot of them, legacy problems that carried over. The previous owner had entered what we call the death spiral where for fiscal reasons they were cutting services to try and stay profitable and we spent a lot of time digging out from underneath that. We then began our (*inaudible*) program and we hit more asbestos than I have ever seen in my entire life and we had 22 deficiencies the following year because we were dealing with a disaster of a capex(?) project. Last year, two, the year before one. It takes time to reform a facility and it takes a lot of hard work also. If you look into my history, you are going to find facilities with 26 deficiencies, including my best facility, which was by the way, ranked the year that we took over, one of the 40 worst in New York State and I would contend that it is probably one of the 10 best in New York State right now.

Legislator Tarbrake: I would like to state one simple fact. The problem with postponing the vote is the fact that we're losing money on this facility every single day. I totally agree with what Mr. Ahlstrom said. He's got a lot of wisdom here. He has been in this body for a long time and we're here to serve our constituents. If you can't vote with your consciences then there is a problem. I don't think that we should postpone the vote. I think that it is important for the citizens of this County.

Legislator Whitney: I like Mr. Barmore's speech about the public should know where we stand on issues and there is a support of local labor issue that is on the table that Mr. Barmore won't bring off. I would like to know where he stands about supporting local labor. He wants to know how everybody else stands on selling the County Home, but he won't bring it off the table. It's kind of a coincidence.

Chairman Gould: Part of this work session says presentation and legislative questions and answer session with the representatives of Vestra Care. I don't see any place on there where it says spur another Legislator.

Legislator Whitney: Well, there is campaigning going on too.

Chairman Gould: I know that and that is why I am trying to quiet it down. Anyone else? Seeing no one, we will close the work session.

MOVED by Legislator Croscut, SECONDED by Legislator Wendel and duly carried the work session was adjourned. (8:17 p.m.)

Regular and Budget Meeting  
 Chautauqua County Legislature  
 2:00 P.M. & 6:30 P.M.  
 Wednesday, October 23, 2013  
 Mayville, N.Y.

Chairman Gould called the meeting to order at 2:03 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent DeJoy, Whitney)

Legislator Stewart delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Runkle and duly carried the minutes were approved. (9/25 & 10/9/13)

Privilege of the Floor

No one chose to speak at this time.

COMMUNICATIONS:

1. Invite to Recognition Event at JCC
2. Report – Fn. Dir. Marsh – September -2013 – Investment Report
3. Special Meeting Notice for 10/9/13 – Chaut. County Legislature
4. Memo from Cty. Atty. – Re: Proposed Sale of CCH
5. Letter – Cty. Atty. – Re: Fact Finder’s Report – Chaut. Co. & CSEA
6. Minutes – Chaut. Co. Soil & Water Conservation District – 8 & 9/2013
7. Letter – Chaut. Watershed Conservancy – Re: Algal Bloom on Chaut. Lake
8. Res. – Niagara County – Re: Est. Residency Requirement to Receive Welfare Benefits
9. Letter – Kinder Morgan – Re: Niagara Expansion Project – Upgrade of Existing Pipeline System
10. Letter – NYS Dept. of Agriculture – Re: Upcoming Review of Ag. District 8
11. NYS Dept. of Finance – 2013 County Equalization Rates
12. NYS Depart. of State – Ack. Receipt of LL 5-13 – Ethics Law
13. NYS Comptroller – Ack. Receipt of Res. 164-13
14. Proof of Publication for Public Hearing on 2014 Tentative Budget.
15. NYSAC – 2013 Fall Seminar Resolutions
16. 2014 Chautauqua County Tentative Budget

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
 NO VETOES FROM 09/25/13

PUBLIC HEARING – 2014 TENTATIVE BUDGET & SEWER DISTRICT ASSESSMENT ROLLS

Chairman Gould: Is there anyone here to speak to the public hearing? (2:08 p.m.) Seeing no one, we'll close the public hearing. (2:09 p.m.)

**LEGISLATURE'S 2:00 P.M. SESSION**

RES. NO. 184-13  
Confirm Re-Appointment - STOP DWI Advisory 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-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 STOP-DWI Advisory Board:

Frederick Johnson	Position last held by Ralph Germaine
8419 West Main St.	
Westfield, N.Y. 14787	
Term Expires: 10/31/16	

Signed: Wendel, Whitney, Hemmer, Coughlin

Unanimously Adopted – October 23, 2013

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RES. NO. 185-13  
Adjust Capital Appropriation for the Jamestown Terminal Building Roof Replacement

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

WHEREAS, the Chautauqua County capital budget already includes \$149,350 for Installation of a new roof on the terminal building at the Chautauqua County airport in Jamestown; and

WHEREAS, the total cost to replace the roof will be \$190,120, exceeding the 2013 appropriation amount by \$40,770; and

WHEREAS, the budget needs to be amended to reflect the total cost; now therefore be it

RESOLVED, That Capital Project Reserve is appropriated as follows:

**INCREASE USE OF FUND BALANCE:**

A.-----878.0000	Fund Bal, Reserved Fund Bal – Reserved for Capital	\$40,770
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and be it further;

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

**INCREASE APPROPRIATION ACCOUNT:**

A.9950.----.9	Interfund Transfers – Transfer to Capital	\$40,770
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**INCREASE CAPITAL APPROPRIATION ACCOUNT:**

H.5610.25663.4	Contractual - Terminal Building Roof, JMST	\$40,770
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INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.25663.R503.1000	Interfund Transfer – Interfund Transfers	\$40,770
	Terminal Building-Roof	

Signed: Himelein, Horrigan, Erlandson, Runkle, Nazzaro, DeJoe, Borrello

Adopted w/ Legislators Ahlstrom & Heenan voting “no”

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RES. NO. 186-13

Commencing Formation of County Charter and Administrative Code Commission

By Administrative Services Committee:  
At the Request of Legislator Rod Rogers:

WHEREAS, Section 1.05 of the Chautauqua County Charter directs that “no later than July 1, 2004 and every ten (10) years thereafter, a Charter and Administrative Code Review Commission shall be established to review and make recommendations to the County Executive and legislature on amendments, additions or revisions to the County Charter and Administrative Code. The Commission shall consist of not more than ten (10) citizens of Chautauqua County with five (5) of the said members appointed by the County Executive and the remaining five (5) to be appointed by the Legislature”; and

WHEREAS, pursuant to the Charter provision quoted above, a County Charter and Administrative Code Commission should be convened in 2014 and it would be advantageous to begin identifying citizens interested in serving as commission members to be appointed by the County Legislature in early 2014; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Chairman of the County Legislature to begin gathering potential candidates to serve as members of the County Charter and Administrative Code Commission with the goal of appointing and convening the Commission in January 2014.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – October 23, 2013

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RES. NO. 187-13

Authorize Agreement with Town of Ellery for Court Security Detail

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

WHEREAS, the Town of Ellery has requested that the Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of November 1, 2013 through December 31, 2014, for an estimated cost not to exceed \$1,500.00, based on an hourly rate of \$27.64; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with the Town of Ellery for court security as set forth above, with revenues to be credited to revenue account A.1162.1110.R226.000.

Signed: Wendel, Whitney, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe, Borrello, Himelein

Unanimously Adopted – October 23, 2013

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RES. NO. 188-13

2009 Citizen Corps Grant Award Extension of Time and Appropriation of Funds

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

WHEREAS, the Department of Homeland Security appropriations provided funds to New York State to be used for grants relating to Citizen Corps Councils; and

WHEREAS, New York State Emergency Management Office has extended Chautauqua County Office of Emergency Services' application for the use of the Citizen Corps Council funds, through November 30, 2013; and

WHEREAS, Resolution 96-10 authorized the County Executive to enter into contracts with New York State Emergency Management Office to accept funds for Citizen Corps Councils; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$27,749
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid - Homeland Security	\$27,749
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Signed: Himelein, Borrello, Wendel, Whitney, Hemmer, Coughlin, Runkle, Nazzaro, DeJoe

Unanimously Adopted – October 23, 2013

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RES. NO. 189-13

Accept Funding for Integrated Cancer Services Program – Breast, Cervical and Colorectal Cancer Screening Program Grant

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

WHEREAS, the Chautauqua County Department of Health has been awarded a New York State Department of Health Integrated Cancer Services Program Breast, Cervical and Colorectal Cancer Screening Program grant for the period July 1, 2013 through March 31, 2018; and

WHEREAS, the grant program will be implemented through three contracts, including one contract between the County and the State for Patient Services, one contract between the County and HRI for Patient Services, and one contract between the County and the State for infrastructure funding; and

WHEREAS, the total amount for Patient Services funding for the five-year period is \$581,412 (\$219,324 NYSDOH and \$362,088 HRI); and

WHEREAS, the total amount for the infrastructure funding from the NYSDOH for the five-year period is \$665,000; and

WHEREAS, the amount to be spent during 2013 is estimated to be \$123,677: (\$26,856 NYSDOH Patient Services; \$26,821 HRI Patient Services and \$70,000 NYSDOH infrastructure); and

WHEREAS, \$66,754 of the NYSDOH infrastructure funding is already reflected in 2013 staffing budget; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual - Public Health Admin Nursing	<u>\$56,923</u>
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INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R340.1BSE	State Aid – Public Health Nursing	\$30,102
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A.4010.NURS.R440.1BSE	Federal Aid – Public Health Nursing	<u>\$26,821</u>
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		<u>\$56,923</u>
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Signed: Tarbrake, Horrigan, James, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Himelein

Unanimously Adopted – October 23, 2013

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RES. NO. 190-13

Accept Grant Funding and Increase Appropriation Accounts For Maternal Child Health Initiative Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Department of Health has awarded grant funding to the Chautauqua County Department of Health & Human Services, Public Health Division, for the Maternal Infant Child Health Initiative for the term 10/01/13-09/30/18; and

WHEREAS, the Department of Health & Human Services desires to participate in this public health initiative to address critical prenatal, perinatal, infant and child health issues in Chautauqua County; and

WHEREAS, the Department of Health & Human Services will work with community partners to form a Maternal Child Health Coalition to implement evidence-based programming to engage high-need women and infants in health care and other supportive services appropriate to their needs and identify and address their medical, behavioral and psychosocial risk factors through timely and coordinated counseling, management, referral and follow-up; and

WHEREAS, initiatives undertaken by Public Health through this grant will result in documented increased access to prenatal care; decreased premature births, low birth weight babies and infant mortality rates; maintenance of healthy behaviors; reduction or elimination of risky behaviors; long-term healthcare-related savings for our county; and a better quality of life for our residents; and

WHEREAS, the 2013 Chautauqua County Adopted Budget does not include funding for the 2013 portion of these grant activities; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the above-named grantor for so long as the Department of Health continues to be funded by this program, and to execute such other documents as may be necessary for implementation of this initiative; and be it further

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

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.1	Personal Services – Public Health Nursing	\$41,250
A.4010.NURS.8	Employee Benefits - Public Health Nursing	\$20,625
A.4010.NURS.4	Contractual - Public Health Nursing	<u>\$12,041</u>
		\$73,916

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS R440.1000	Federal Aid – Public Health Nursing	\$73,916
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Signed: Hemmer, James, Tarbrake, Horrigan, Runkle, Nazzaro, DeJoe, Borrello, Himelein

Unanimously Adopted – October 23, 2013

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RES. NO. 191-13

Amending Resolution 118-08, 166-09, 110-11, 160-11, and 94-13 – Original 3% Occupancy Tax

Planning & Economic Development and Audit & Control Committees:  
At the Request of Audit & Control Committee:

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 3, Subsection 12 of Local Law 2-08 and Section 1202-j of the New York State Tax Law further provide that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited and deposited in a special tourism and convention fund for the purposes of enhancing and promoting Chautauqua County, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the County, to enhance the environment, to improve infrastructure related to tourism, conventions and trade shows, to develop, operate and maintain parks, recreational facilities and tourist attractions, and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths (the newer 2% tax) of such revenues shall be dedicated solely to the enhancement and protection of the lakes and streams of Chautauqua County pursuant to programs authorized by local law; and

WHEREAS, Chautauqua County has initiated, completed and/or adopted a number of planning documents which feature tourism and waterways-related goals and objectives, including the

Chautauqua County Comprehensive Plan, Chautauqua County Tourism Branding, Development, and Marketing Action Plan (CCVB), the Chautauqua Lake Watershed Management Plan, Chautauqua County Greenway Plan, and the Chautauqua County Equestrian Trail Plan; and

WHEREAS, the tentative 2014 County budget for the original 3% occupancy tax is predicated on increased collection and enforcement activity by the Department of Finance, so an adjustment needs to be made to the percentage allocations to the Department of Finance and CCVB; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines set forth in Resolutions 118-08, 166-09, 110-11, 160-11, and 94-13 for the allocation of the original 3% occupancy tax revenue, as follows:

1. ~~54%~~ 55% of the occupancy tax budgeted shall be provided to CCVB to support the CCVB's efforts to market, promote and publicize Chautauqua County and its municipalities as well as recruiting group functions to the County and working to support and enhance all tourism efforts.
2. 5% of the occupancy tax budgeted shall be further provided to CCVB for development and marketing of the "World's Learning Center" brand.
3. 15% of the occupancy tax budgeted shall support the maintenance and operation of the County parks and trail system including the Sheriff's marine and snow patrol.
4. 9.0% of the occupancy tax budgeted shall support non-County maintained trail establishment and development projects, including snowmobile trails. \$20,000 of the 9.0% shall be provided to the Chautauqua County Snowmobile Federation annually to further support efforts to develop, maintain and groom snowmobile trails within Chautauqua County.
5. ~~6%~~ 5% of the occupancy tax budgeted shall be utilized by the Chautauqua County Department of Finance for collection and enforcement purposes.
6. 5% of the occupancy tax budgeted shall be utilized to support arts and culture through the provision of funding to the following organizations:
  - a. United Arts Appeal- 63.4% of the 5% allocated to arts and culture.
  - b. Fenton Historical Society-18.4% of the 5% allocated to arts and culture.
  - c. Historical Society of Dunkirk- 5.4% of the 5% allocated to arts and culture.
  - d. Chautauqua County Historical Society- 12.8% of the 5% allocated to arts and culture.
7. 6.0% of the occupancy tax budgeted shall be utilized to support the development of attractions, events, and visitor experiences that help enhance Chautauqua County as a point of destination for visitors and support existing efforts that act as attractions within the County, with preference for programs that advance the County planning priorities relative to tourism. The following method shall be utilized to determine how 80% of the 6.0% is distributed annually:
  - a. Up to a seven (7) member tourism panel to include representatives from the following organizations shall make funding recommendations to the Legislative Planning and Economic Development Committee for projects and organizations that submit for the 20% portion of the occupancy tax: CCVB Director and one (1) CCVB member, one (1) Chautauqua County Chamber of Commerce member, one (1) Industrial Development Agency Board member, and one (1) member of the Chautauqua County Planning Board.

**Strikethrough Indicates Deletion, Underlined Indicates New**

b. All requests for funding shall be submitted on forms as originally prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. All requests will be evaluated against the County's planning, development and tourism agency priorities to ensure the County's tourism development goals are obtained. The Tourism panel charged with evaluating projects and organization requests may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.

c. All requests shall be initially ranked on an "Occupancy Ranking Form" prior to final prioritization and recommendations by the Tourism Panel to the Legislative Committee. The remaining 20% of the 6.0% shall be held in a contingency account, and the Tourism Panel shall not later than June 1st of each year make additional funding recommendations for said contingency in the manner set forth above after review of previously unfunded project requests and any new unanticipated project requests that were received on or before May 1st.

Signed: Borrello, Ahlstrom, Rogers, Runkle, Nazzaro, DeJoe, Himelein

Unanimously Adopted – October 23, 2013

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RES. NO. 192-13

Authorizing Grant Application to the New York State Office of Community Renewal for Community Development Block Grant (CDBG) Funding

By Planning & Economic Development and Audit & Control Committees:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Empire Specialty Cheese Co., LLC ("Empire") plans to establish a cheese production operation in the Town of Harmony at the former AFA Foods facility; and

WHEREAS, Empire has requested that Chautauqua County apply for funding on its behalf from the New York State Office of Community Renewal (the "OCR") to finance a portion of the cost of equipment and working capital required to establish operations; and

WHEREAS, Empire is evaluating alternative sites for the project in the State of New Jersey;  
and

WHEREAS, the Empire State Development Corporation is coordinating financial incentive offers to Empire, including OCR funding, to induce the company to locate its project in the Town of Harmony; and

WHEREAS, the Chautauqua Region Industrial Development Corporation (CRIDC) is assisting in the facilitation of the project and has requested that Chautauqua County provide the OCR funding to CRIDC as a grant for the purpose of making a term loan and deferred loan to Empire; and

WHEREAS, the Empire project will result in substantial benefit to the Town of Harmony and Chautauqua County in the form of an estimated 57 new employment positions in the first two years of operations and 160 new employment positions in the first five years of operations; and

WHEREAS, the County will hold a public hearing to obtain citizens' views regarding the CDBG program as administered by OCR and the Empire project; now therefore be it

RESOLVED, That the County Executive is hereby authorized to submit a grant application in the approximate amount of \$616,000 to the OCR to support the establishment of the Empire production facility in the Town of Harmony; and be it further

RESOLVED, That the County Executive is hereby designated as the Environmental Certifying Officer for the purposes of complying with the applicable federal environmental review requirements for the OCR grant; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with the CRIDC, and all related documents associated with the OCR grant, subject to review and approval by the County Attorney.

Signed: Borrello, Ahlstrom, Rogers, Runkle, Nazzaro, DeJoe

Unanimously Adopted – October 23, 2013

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RES. NO. 193-13

Requesting New York State Legislature to Modify the Membership of the CCIDA

By Planning & Economic Development Committee:  
At the Request of Legislator Robert Whitney:

WHEREAS, pursuant to Section 895-h of New York State General Municipal Law (GML), the County of Chautauqua Industrial Development Agency (CCIDA) has been created for the "benefit of the county of Chautauqua and the inhabitants thereof," and

WHEREAS, the Chairman of the County Legislature's Planning and Economic Development Committee serves as one of up to nine (9) members of the CCIDA board on an Ex-officio basis with full voting powers; and

WHEREAS, to assure appropriate bi-partisan oversight and input regarding CCIDA projects and policy, it would be advantageous to have the ranking minority member of the County Legislature's Planning and Economic Development Committee also serve on an Ex-officio basis with full voting powers; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the New York State Legislature to amend Paragraph 1 of Section 895-h of the New York State General Municipal Law to state as follows:

1. For the benefit of the county of Chautauqua and the inhabitants thereof, an industrial development agency, to be known as the COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENT AGENCY, is hereby established for the accomplishment of any or all of the purposes specified in title one of this article. It shall constitute a body corporate and politic, and be perpetual in duration. It shall have the powers and duties now or hereafter conferred by title one of this article upon industrial development agencies and provided that the exercise of the powers by such agency with respect to the acquisition of real property whether by purchase, condemnation or otherwise, other than in furtherance of the power conferred by subdivision two of this section, shall be limited to the corporate limits of the county of Chautauqua and such agency shall take into consideration the local zoning and planning regulations as well as the regional and local comprehensive land use plans. It shall be organized in a manner prescribed by and be subject to the provisions of title one of this article. Its members shall consist of not less than three nor more than nine members as follows: the chairman and the ranking minority member of

the committee of the governing body of the county of Chautauqua that has primary responsibility for dealing with the economic welfare of the county, who shall serve as an ex officio members with full voting powers; one member appointed by the governing body of the county of Chautauqua, subject to the approval or veto of the county executive and county legislative reconsideration as provided in the charter of such county; and up to six seven members appointed by the county executive subject to confirmation by the governing body of the county of Chautauqua. The agency, its members, officers and employees and its operations and activities shall, except as provided specifically herein, be governed by the provisions of title one of this article.

and be it further

RESOLVED, That the Clerk of the Chautauqua County Legislature is directed to forward a copy of this resolution to State Senator Catharine Young and Assemblyman Andrew Goodell.

Signed: Whitney (P&E: Vote: 0/3 - Borrello, Ahlstrom, Rogers voting "no"-Failed)

Defeated – (R/C Vote: 7 Yes; 16 No; 2 Absent – No's: Ahlstrom, Barmore, Borrello, Croscut, Erlandson, Heenan, Hemmer, Himelein, Horrigan, Rogers, Runkle, Scudder, Stewart, Tarbrake, Wendel, Gould) - October 23, 2013

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RES. NO. 194-13

Request CCIDA to Adopt Local Labor Policy for Projects Receiving CCIDA Financial Assistance

By Planning & Economic Development Committee:  
At the Request of Legislator Robert Whitney:

WHEREAS, pursuant to Section 895-h of New York State General Municipal Law (GML), the County of Chautauqua Industrial Development Agency has been created for the "benefit of the county of Chautauqua and the inhabitants thereof;" and

WHEREAS, in order to promote economic development within Chautauqua County, CCIDA is empowered to provide financial assistance for projects undertaken by private entities, and such financial assistance can include loans, sales tax exemption, mortgage recording tax exemption, real property tax abatement, and the proceeds of bonds issued by the agency; and

WHEREAS, to achieve maximum economic benefit for Chautauqua County from the financial assistance provided by CCIDA for development projects, it would be advantageous for CCIDA to require financial assistance recipients to utilize local labor from the surrounding area on projects receiving CCIDA assistance; and

WHEREAS, the Erie County Industrial Development Agency has recently adopted a policy requiring private entities to utilize local labor on projects receiving ECIDA financial assistance; therefore be it

RESOLVED, That the Chautauqua County Legislature requests CCIDA to adopt a local labor policy for project developers receiving financial assistance from CCIDA, to include the following provisions:

**Strikethrough Indicates Deletion – Underlined Text Indicates New Language**

4. At least 90% of all employees of the general contractor, subcontractor, or subcontractor working on the project receiving financial assistance must reside within the "local labor area." The "local labor area" shall be deemed to include Chautauqua County and all counties bordering on Chautauqua County, to include Cattaraugus County, Erie County, N.Y., Erie County, Pennsylvania, and Warren County, Pennsylvania.
5. Project developers shall be required to file reports with CCIDA demonstrating compliance with the local labor policy. Waivers of the local labor policy requirements may be granted by CCIDA when workers residing within the local labor area are not available for a particular task with respect to the assisted project.

Signed: Whitney (P&E: Vote: 0/3 - Borrello, Ahlstrom, Rogers voting "no"-Failed)

Defeated – (R/C Vote: 7 Yes; 16 No; 2 Absent – No's: Ahlstrom, Barmore, Borrello, Croscut, Erlandson, Heenan, Hemmer, Himelein, Horrigan, Rogers, Runkle, Scudder, Stewart, Tarbrake, Wendel, Gould) - October 23, 2013

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RES. NO. 195-13

Request CCIDA to Adopt Local Supplier Policy for Projects Receiving CCIDA Financial Assistance

By Planning & Economic Development Committee:  
At the Request of Legislator Robert Whitney:

WHEREAS, pursuant to Section 895-h of New York State General Municipal Law (GML), the County of Chautauqua Industrial Development Agency has been created for the "benefit of the county of Chautauqua and the inhabitants thereof;" and

WHEREAS, in order to promote economic development within Chautauqua County, CCIDA is empowered to provide financial assistance for projects undertaken by private entities, and such financial assistance can include loans, sales tax exemption, mortgage recording tax exemption, real property tax abatement, and the proceeds of bonds issued by the agency; and

WHEREAS, to achieve maximum economic benefit for Chautauqua County from the financial assistance provided by CCIDA for development projects, it would be advantageous for CCIDA to require financial assistance recipients to utilize local suppliers from the surrounding area on projects receiving CCIDA assistance; therefore be it

RESOLVED, That the Chautauqua County Legislature requests CCIDA to adopt a local supplier policy for project developers receiving financial assistance from CCIDA, to include the following provisions:

1. At least 90% of all materials and supplies utilized on the project receiving financial assistance must be procured within the "local labor area." The "local labor area" shall be deemed to include Chautauqua County and all counties bordering on Chautauqua County, to include Cattaraugus County, Erie County, N.Y., Erie County, Pennsylvania, and Warren County, Pennsylvania.
2. Project developers shall be required to file reports with CCIDA demonstrating compliance with the local supplier policy. Waivers of the local supplier policy requirements may be granted by CCIDA when particular materials and supplies cannot be procured locally with respect to the assisted project.

Signed: Whitney (P&E: Vote: 0/3 - Borrello, Ahlstrom, Rogers voting "no"-Failed)

Defeated – (R/C Vote: 7 Yes; 16 No; 2 Absent – No's: Ahlstrom, Barmore, Borrello, Croscut, Erlandson, Heenan, Hemmer, Himelein, Horrigan, Rogers, Runkle, Scudder, Stewart, Tarbrake, Wendel, Gould) - October 23, 2013

RES. NO. 196-13  
Quit Claim Deeds

By Administrative Services Committee:  
At the Request of Chairman Gould:

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. 44-13; now therefore be it

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

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

Offer Number	Municipality	Property Location	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-6-2013	City of Dunkirk	108 Moffett St.	Barney Kuzara, Jr.	Eric Romero	\$ 3,000.00	\$ 3,297.28
PA-106-2013	City of Jamestown	108 Tower St.	Odessin M. McBride	Kristin Gadra	\$ 1,500.00	\$ 2,957.49
PA-307-2013	Portland	10256 Wilbur Rd.	James F. Rizzo	Bruce Newton	\$ 5,600.00	\$ 3,940.36
PA-312-2013	Portland	18-24 Highland Ave	Joshua J. Ehmke	Christine Chavez	\$ 1,000.00	\$ 8,154.30
PA-319-2013	Portland	Pratt Rd.	Everett E. Reardon JSirianno Holdings LLC,	Frank Riscili	\$ 1,200.00	\$ 653.42
PA-393-2013	Ellicott	19 Cross St.	James P Sirianno	Charles Ludwig	\$ 57,372.99	\$ 157,132.96

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – R/C Vote: 23 Yes; 2 Absent – October 23, 2013

**LEGISLATURE'S 6:30 P.M. SESSION**

RES. NO. 197-13

Consider 2014 Tentative Budget, with the Changes Listed Below, and Presenting Same to the County Executive for His Consideration and Action

By Audit & Control Committee:  
At the Request of Legislators Runkle, Nazzaro, DeJoe, Borrello, Wendel, Heenan, and Himelein

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2014 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, That the 2014 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878	Reserved Fund Balance—Reserve for Capital	\$ 25,000
A.-----909	Fund Balance, Unreserved Fund Balance-Fund Balance	\$ 250,000

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.4	Contractual – Legislative Board	\$ 10,000
A.6510.----.4	Contractual –Veterans	\$ 3,000
A.9950.----.9	Interfund Transfers – Transfer to Capital	\$ 25,000

DECREASE APPROPRIATION ACCOUNTS:

A.6102.----.4	Contractual – Medical Assistance MMIS	\$1,050,000
A.6772.----.4	Contractual –Office for the Aging	\$ 500,000
A.6140.----.4	Contractual – Safety Net	\$ 348,000

DECREASE REVENUE ACCOUNTS:

A.6140.R184.0000	Departmental Income – Repay: Safety Net Assist	\$ 41,438
A.6140.R364.0000	State Aid – Safety Net	\$ 100,942
A.6140.R464.0000	Federal Aid – Safety Net	\$ 5,700
EH.REV.R3020.3300	Intergovernmental Transfer – Medicaid IGT	\$2,100,000

Amend Exhibit E-1 to add capital funding for project number 37908 Dam Replacement by \$25,000; and be it further

RESOLVED, That the 2014 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$62,276,004 and an estimated Full Value Rate of \$9.09.

Signed: Runkle, Nazzaro, Borrello, Himelein (A.C. – DeJoe voting "no")

MOVED by Legislator Horrigan, SECONDED Tarbrake to add back \$250,000 to Office for the Aging Carried w/ Legislators Ahlstrom, Borrello, Coughlin, DeJoy, Heenan, Himelein, Nazzaro, Rogers, Runkle, Stewart voting "no".

As Amended – Res. 197-13

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2014 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, That the 2014 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878	Reserved Fund Balance—Reserve for Capital	\$ 25,000
A.-----909	Fund Balance, Unreserved Fund Balance—Fund Balance	\$ 250,000

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----4	Contractual – Legislative Board	\$ 10,000
A.6510.----4	Contractual –Veterans	\$ 3,000
A.9950.----9	Interfund Transfers – Transfer to Capital	\$ 25,000

DECREASE APPROPRIATION ACCOUNTS:

A.6102.----4	Contractual – Medical Assistance MMIS	\$1,050,000
A.6772.----4	Contractual –Office for the Aging	\$ 250,000
A.6140.----4	Contractual – Safety Net	\$ 348,080

DECREASE REVENUE ACCOUNT:

A.6140.R184.0000	Departmental Income – Repay: Safety Net Assist	\$ 41,438
A.6140.R364.0000	State Aid – Safety Net	\$ 100,942
A.6140.R464.0000	Federal Aid – Safety Net	\$ 5,700
EH.REV.R3020.3300	Intergovernmental Transfer – Medicaid IGT	\$2,100,000

Amend Exhibit E-1 to add capital funding for project number 37908 Dam Replacement by \$25,000; and be it further

RESOLVED, That the 2014 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$62,526,004 and an estimated Full Value Rate of \$9.135.

Adopted as amended – R/C Vote: 16 Yes; 7 No; 2 Absent (No's: Ahlstrom, Coughlin, DeJoe, Heenan, Hoyer, Rogers, Stewart) – October 23, 2013

2<sup>nd</sup> Privilege of the Floor

My name is David Leitch and I live at 3216 North Main Street, Extension, Town of Ellicott. Our County Home is accused of losing money and creating an onerous tax burden for the people of Chautauqua County. Both accusations seem inaccurate and misleading. Tax money in the form of IGT funds makes up 16% of 1/6 of the revenue stream that funds our County Home. IGT stands for intergovernmental transfer. In 2013, IGT funds totaled \$3.6 million. Half of that amount or \$1.8 million comes from local funds, the other half comes to the County through the State and Federal governments. We put up \$1.8 million and receive a 100% return on our money. The taxes on a \$100,000 home would have been approximately \$30.00. Those taxes weren't charged or collected, instead local IGT funds came out of the County's fund balance, as near as I can tell last year. At this point there is no tax burden or tax savings from – and a tax savings from a sale would be negligible at best. The local share of IGT funds wasn't provided by the tax levy. The sale of our County Home won't reduce our taxes to any meaningful degree.

Is our County Home losing money? The answer is no. Pronouncements about daily losses ranging from \$7 to \$10,000 a day are the product of creative accounting. The \$3.6 million in IGT money is entered as part of total revenue. Total expenses are subtracted from total revenue to yield a net income. Net income figures show our County Home to be in the black or at least breaking even. The only way to show a loss, is to withdraw IGT funds from total revenue and then subtract net income from the same IGT monies, then declare the difference a loss. The assertions that our County Home is losing money and imposing a tax burden are groundless. By declaring IGT tax money to be a loss, one would think no one is helped or cared for or rehabilitated. Or the money is going into some kind of a black hole. Such is clearly on the case. Mr. Farenblum and associates, spoke very favorably

of our Home and its staff when they were here. Why do some of us denigrate it and them? Are Mr. Edwards and (*inaudible*) correct, is the enemy us?

As a reporter I feel that - my name is David O'Conner, Jamestown, 26 Ohio St. I feel in my own small way I represent the people who aren't able to attend these meetings. I wondered, just as a commendation for the press here, all of the people who are running for public office in November 5<sup>th</sup>, will tell us tonight so that we can tell the people of Chautauqua County how they plan to vote on the County Home sale. Thank you.

My name is Ed Carutis and I am running for the 18<sup>th</sup> district seat. A couple of things that I wanted to say was, once, Mr. Horrigan anytime you can get \$2.00 for every dollar that you spend, I think that you better do it. I just can't phantom that. Two is, when you raise the budget for the Office of the Aging by \$500,000 and then you reduce it by \$250,000, you didn't lower taxes. You still raised them because you had initially raised it \$500,000. I am little fuzzy on that kind of math. Thank you.

My name is Christine Leitch from the Town of Ellicott. We can provide the County Home with IGT money and reduce taxes at the same time. This is accomplished by funding the local share of IGT money out of the fund balance and not the tax levy. In other words, we have enough money to fund the County Home. To give away the Chautauqua County Home that would be a loss.

Chairman Gould: Anyone else to speak to the 2<sup>nd</sup> privilege of the floor? If not, I will close the second privilege of the floor and ask for adjournment.

MOVED by Legislator DeJoe, SECONDED by Legislator Tarbrake and duly carried the meeting was adjourned. (8:12 p.m.)

Special Chautauqua County Legislature Meeting  
Wednesday, October 30, 2013 – 6:30 P.M.  
Mayville, N.Y. 14757

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present.

Legislator Tarbrake delivered the prayer and pledge of allegiance.

1<sup>st</sup> Privilege of the Floor

My names is Steve Skidmore, I live at 600 Prendergast Ave., Jamestown, New York. I am here speaking for the CSEA, Unit 6300. The County Home is been in existence for about 180 years. Its mission is to take care of the elderly of Chautauqua County. Residence, regardless of ability or lack of ability, it's a place for them to go. Each department in the County has a mission statement. I believe the Legislature had one and nowhere in it will you find it saying, it's more important to have money for giveaways and tax breaks to private businesses than it is to protect the elderly residence of Chautauqua County. If you sell the County Home to VestraCare and they can't make a profit on a current or future Chautauqua County resident, they are free not to admit them as is every other nursing home in the County. If that happens, where do they go? Sadly they may have to go to other public homes, hundreds of miles from Chautauqua County creating a hardship for them and their families and the taxpayers will still have to pay for their care. But it seems all that anyone wants to talk about it money. O.k., let's talk about money. You spend \$80,000 of taxpayers' money on a report and then when it didn't say what you wanted it to say, you just ignored it. If it was false why didn't you get our tax dollars back? Regarding the sale. You say it's for \$16.5 million but we know after you gave VestraCare the accounts receivables, it's \$15.2. The CGR report explained that after the bond is paid off, which was taken out for the renovations, the legacy costs for employees and other expenses, there will be less than a million dollars left. Add in the half million in charge backs lost, also you forgot to tell the taxpayers that if VestraCare does not rehire 100 to 150 employees at the Home, which is a real possibility now that they don't have to honor the RFP on the hiring of County Home employees, the taxpayers of Chautauqua County will be on the hook for their unemployment, not New York State. This could result in millions of dollars Chautauqua County taxpayers will have to pay. I was going to say tonight vote you conscious not your wallet but knowing that this sale is not going to put money into Chautauqua County taxpayer's pockets, it's going to empty them. I will just say, do what is right for all the residence of Chautauqua County, vote no, thank you.

My name is Reva Byczynski, I live at 616 Brigham Road, Dunkirk, New York and I am here to speak on behalf of CSEA members Local 6300. We urge you to vote no on the sale of the Chautauqua County Home. The continuity of care is the most important issue for the residents of the Home. There is no high turnover of workers. Therefore the residents are like family to them. As for the IGT funds, costing taxpayers, private own nursing homes receive many millions more in government funding. It is still taxpayer dollars. VestraCare said that they are not in the business of assisted living but they would lease the property to earn money for themselves. They have also, in Ulster County, contracted out work in the Home. Finally, along with my coworkers, are applaud that the County Executive using the Chautauqua County website on his Monday morning memo to further his political agenda and pit Lakeshore Healthcare Workers against County workers saying, what a wonderful opportunity to hire those workers when we layoff ours instead of helping save jobs for all in the north County. Thank you.

My name is Bonnie Peters, I live at 8237 Glassglow Road, Cassadaga, New York. I have stood before you many times over the last couple of years so I won't use my full three minutes, Mr. Chairman but what I have to say to you is that, three times we have done this before. One, two,

three, and tonight when it is voted down again, its three strikes you are out, let's be done with this after tonight. Thank you.

My name is Rose Conti, I live at 50 Lake Ave, Brocton, New York. I just have a few questions that I hope that you've considered but in case you haven't, I would like to give you a chance to. Since the buyers of Golden Hill have applied to the IDA for a 25 year, \$4 million dollar property tax break, and since everyone is talking about this property back on the tax roll, have you as Legislators, secured in the sale that there will be no tax relief, no tax breaks and no funds of any kind coming from the County or from the IDA to the new owners? You asked about insuring that they would not hire staff from an agency in the Philippines but that does not insure that they will not hire from an agency somewhere else outside of the USA or work with an agency who gets their employees from outside the USA. Have you considered the room that it is going to take to make a private entrance to increase the therapy and to add the adult medical day care that that they are talking about. How many skilled nursing beds are going to have to be removed in order for those two things to happen at that facility and where are those people going to go? I know that many of the figures used in the discussion are best estimates made by people who are really familiar with budgets. Has anyone asked what the real amount of the profit is going to be after you've subtracted the \$2 million plus in account receivable that we are giving away, after you subtracted the vacation and personnel time that must be paid to all the employees as they will no longer be County employees? The unemployment that you must pay, the payment for the capital projects funds that are still outstanding and the increased to the County's budget for the loss of revenue from the County Home to the other County departments? And one last question, what are you going to do with what little money is left?

My name is Joe Carrus, I am a resident of the Chautauqua County Home. You County Legislators were so eager to have a buyer than when he offered \$16 million they gave him \$1.5 million of accounts receivable causing the County Legislators to receive only \$15 million dollars if the sale happens. The buyer also got the gas well on the County Home lot in the contract. Why? This buyer/owner in his Ulster County Home has only 4 aides for first and second shifts and 2 aides for the midnight shift to take care of approximately 280 residents. The buyer is putting dollars at a priority over care. Some departments at Ulster were contracted out such as physical and occupational therapy and dietary as employees were laid off. There were only a few that got their jobs back. Staff also have been fired for a lot of sick call ins. In this proposed sale, two limited liability companies have been used as owner and buyer thus it would be hard to find which one is responsible for abuse or neglect of residents. Can't you hear the sick and old and employees are calling out to you, the County Legislators. Can't you hear their cries? (*Inaudible*) their outstretched hands or let them cry in vein when you cast your vote for the buyers. Please don't cast your vote for the buyers. We did not do enough research to begin with.

My name is Frank Gawronski, I live at 230 Lincoln Avenue in Dunkirk. I have been a County taxpayer for over 40 years. I am a retired special ed teacher, I'm also a US Army Veteran out of the 82<sup>nd</sup> Airborne and I'm one of the many volunteers that work the Strawberry Festival for the County Home over the years, to help support it. Many Democrats and Republicans at our end of the County and other parts of the County worked to help the County Home be successful. What I have here is my County taxes for 2012. Now, I am not a rich man. I don't own a lot of property, I own a house a little bit of land behind it. My County taxes amount to about \$400 a year, how much are you going to save me by selling the Home? Anybody know? It might save me, maybe \$5 bucks, it's not worth the \$5 bucks that you are going to save me to do what you have done. You have further divided this County into north and south with the false promises of a tax reduction that we'll never see. Do not sell the County Home.

My name is Sarah Becker, I reside at 2908 Burton Road, in Busti. I would like to share a little story with you. A few weeks ago I was at the County Home and as I was leaving, there was two elderly gentlemen sitting on the front porch enjoying the beautiful day. I stopped for a minute and ease dropped a little on them and they were talking about how they had served in WWII and about

their experiences in the war and what they had gained from that and how those experiences had served them and so on. I thought to myself, these are the people that might not be able to have a bed here? These are the people that we want to send to another public nursing home maybe, hundreds of miles away? Why would we want to do that? Why would we want to take these people, these vulnerable elderly, who in many cases have served our country and have been strong members of their communities for years. They deserve to be here close to their loved ones, able to visit with their families on a regular basis. Even if it costs the taxpayer's a little bit of money, it is our job. It is our duty, our obligation to provide for those people in our community who are not able to provide for themselves. Otherwise, we might as well put the elderly on ice flows and send them off. We need to remember that the job of government – part of the job is to protect those vulnerable elderly. So, with that in mind, I am asking that you vote no on the sale of the County Home.

My name is Rita Koharski(?), I reside at 8243, Rt.380, Brocton, New York. In the newspaper, in case any of you missed it, it talks about the IGT funds. If anybody would like a copy of this, it's right up here for you to take. The title on it, Homes Reported Deficit is Misleading. Thank you for that. After watching Lakeshore Long Term residence being taken out and displaced, this caught my attention. So with a coworker we did a little digging, actually she did a little digging, and we came up with this report from 2003. Factors for nursing home closure, this is about closure, in Detroit and its impact on residents. The study funded by Detroit area agency on aging looks at the impact of the three, this was on three County Homes that were closed. To get down to the bottom here, residents are given no warning and are forced to relocate quickly. Nursing Home residents who are forced to abruptly transfer our insignificantly higher risk of suffering transfer trauma which is associated with depression, increased irritability, serious illness and elevated mortality risk. Also, residents who are forced to leave their homes must move away from the resident and staff to whom they have strong attachments with without assistance of counseling or support. Sometimes families are not even notified or do not have the resources to help loved ones with choosing a new facility or adjusting to relocation which I like to call displacement. This study was done on three new nursing homes that were closed and residents had to be placed in different facilities. The first nursing home, 13% of the residents passed away. I have it all right here if anybody would like to see it. The second nursing home and this was out of 78 residents. The second nursing home, 7% passed away and the third nursing home, 10% passed away. Now in the Chautauqua County Home, there are five staff members who have –

Chairman Gould: I'm sorry, your three minutes are up.

Mrs. Koharski(?): Did that seem like three minutes? One of them is my 95 year old mother. Thank you.

My name is Mindy Kaufman, I live at 26 North Jerboa, Dunkirk. I have heard the County Executive on many occasions commend the people of this County for their support and generosity on everything. From the Red Kettle Campaign, United Way Fund, NRG, currently TLC and so on. And deservedly so. The people of Chautauqua County step up when we are asked for help. We are ready to lend a hand when our neighbors, friends, and our communities need us to do so. Unfortunately, this is not the case with the Chautauqua County Home. There is no doubt in my mind that if the County Executive had asked for your support and generosity, if he had asked for your help in keeping this vital safety net for the people of this County, we wouldn't be having this vote tonight. Instead the County Executive has taken the lead in telling you what a burden we are. How the taxpayers can no longer support this money losing operation. The funny thing is, that as taxpayers' we financially support all County services, profit or not. Some of you have said that we need to take the emotions out of it and see it from a business point of view. I'm sorry, but the residents of the County Home and the people who live in Chautauqua County are much more to me than a business deal. Yea, I am emotional because I know all too well that if the Home is sold, we will lose one of the most vital services our County has to offer. You are not just selling a building. You are selling a mission and a promise made to each and every single person living in this County that regardless of their ability to

pay, we will take care of them, a mission to serve, protect and care for those in need without a for profit bottom line. In 2008, we had the County Executive's support when he stated during that election year, that it takes a desperate politician to threaten the residents, their families, and his coworkers with the notion of selling the County Home. Who knew that it would only take 5 years from the County Executive himself to become so desperate. Thank you.

My name is David Leitch, 3126 North Main Extension, in the Town of Ellicott. Here are some things that we should keep in mind about our County Home and the other County facilities in New York that have been sold. With regards to our County Home we should be cognizant of four things. One; it isn't losing money. Due to conditions imposed on all County Homes, ours runs a deficit. As intended IGT funds local and federal cover those deficits sometimes we have a surplus from. Our Home isn't a tax burden because it isn't funded in the budget and through the tax levy either in 2013 or 2014. There are those that lack confidence to allow our County Home to run as the highly affected public service it has been for decade and four; when we fund our County Home, we need not fear that it will fold up shop as a number of private businesses have recently. Over the years, we have supported such companies generously through every administration and its IDA. Let's admit that the County Home isn't the only thing we support outside the budget and tax levy. Such support for private businesses can and does run amuck. A devastated Altech Revolving fund and Afro Lecon Industries are examples that come to mind. What should we know about the public home sold by other counties in the State. This brief summary comes from the August 2013 CGR report on county homes. Fulton, Montgomery, and Delaware Counties all sold their homes between 2006 and 2011. They were spending, seven, twelve, and fifteen percent respectfully from their local tax levies to support their homes. These county homes had 176, 120, and 199 beds respectively. Respectively, they sold four, \$3.5 million, \$860,000 and \$2.5 million. Maintenance, improvements, and investment were lacking. In Fulton, the quality of the county home and its reputation has declined. In Montgomery, both finances and the quality of care have improved however, this privately own facility isn't as accessible for hard to place patients and those on Medicaid. Therefore other homes in the area are now taking more of those residents. In Delaware, the sale to a for profit owner led to a continues turmoil and a decline in care. New York State closed the facility in October 2012. Tax savings for all of these counties were tiny and temporary. The big difference between these counties and ours is that they have much smaller tax levies and couldn't afford their homes. We on the other hand, can afford the luxury of turning our Home into a political football via a contrive crisis in order to dump -

Chairman Gould: I'm sorry, your three minutes is up.

Mr. Leitch: In order to dump this fine public institution at a bargain basement price.

I'm Todd Trantum, President and CEO of the Chautauqua County Chamber of Commerce and Executive Director of the Manufacturers Association. We have offices at 10785 Bennett Road and 512 Falconer Street in Jamestown. Thank you for your time. You are elected to make decisions at times, hard decisions and sometimes very, very, very hard decisions. That is what you signed up for when you circulated your petitions and you registered to run for office and we're ultimately elected. Some of you, hopefully all of you came to the Legislature because you wanted to make a positive difference in Chautauqua County. Some of you may have come to the Legislature because you wanted to make a difference and saw it as a stepping stone to higher office and that is fine as well and some of you may only be here because it is a stepping stone and frankly that would be very unfortunate. But regardless of your reasoning, you have to make hard decisions on behalf of the entire County. For some here tonight voting yes to sell the County Home, may be a difficult decision. However, if you look at it from the framework of savings jobs, saving important services for our elderly, saving an asset, doing what is fiscally and financially right to do, and doing what is right for the taxpayers of Chautauqua County, then it really should not be that hard of a decision. Now, if you still think that it is a hard decision, think about the men and woman on the Board of Trustees of Lake Erie Regional Health System for a moment and the decision that they had to make two weeks ago to

close Lakeshore Hospital affecting 460 employees. Now that was a hard decision. I know those people, I talk to them, it was heart wrenching. It was a heart wrenching decision that they had to make. If you fail to make a decision tonight to sell the County Home, you will very likely be facing a similar reality. A really hard and heart wrenching decision in the very near future. Think about being in this room two years from now and having to vote to close the County Home. Not sell it, but to close it. Put yourself in that position for a minute. That is a likely reality and each of you who vote no tonight will have to carry that responsibility of that outcome. So, please do the right thing tonight and vote yes to selling the County Home. Thank you.

My name is Christine Leitch, from the Town of Ellicott. The County Home will not be moving out of town unless you give it away. That would be unlike many other businesses that receive local, state, and federal money and do move out. Our local government put up \$1.86 million dollars within two years, they received \$3.6 million from the state and federal government in Intergovernmental Transfer Funds. In the near future the County could put up \$2.5 million and receive \$5 million in return. Can't you figure out how to make that work? Build up a surplus in the County Home fund. Doesn't that sound like a good investment plan? Don't you have the confidence to figure out how to make that work? It sounds like a good investment to me.

My name is Susan Baldwin and I live in Villenova and I am actually running for Legislator in District 5, the new District that has been put together. I have put 4,275 miles on my car campaigning and meeting over 1,200 people door to door, hand to hand, shaking everyone's hand and I have to say Mr. Stewart and Mr. Rogers, and Mr. Duff that the people that are in this district, all want to keep the County Home. Out of those 1,200 some people, three people who were saturated by the news in the papers, three of them said that they didn't want to keep it. And after I had a chat with them, they changed their minds. So, I would like you to know that I have been going around and the very question, the very comment, the first thing I say is, I want to keep the County Home in County hands. They say yes. Just so that you know. They are going to vote. Thank you.

Mrs. Antoinette Snyder, I live on Willow Road in Dunkirk. This is a little offbeat but I have to say this. We went on a trip to Magagori(?). Magagori is a little tiny village where former communist Yugoslavia was and it was where the Blessed Mother has been appearing every day since 1981 to six young children. I am just going to tell you a couple of things about her messages. Her first message was that God does exist and so does the Devil. And another message was that she is going to give each of these visionaries 10 secrets. When she has given all the 10 secrets to all the children that will be the last time that she will ever appear on this earth. This is the longest she has ever appeared since 1700. So what she is trying to tell us is, this country is a mess. We are here to take care of these people. Do not sell them down the river. She has looked at us and seen us in one big mess and she also has said that she is going to leave a sign when the last time she appears on this earth after all the 10 children have the – the 6 children have the 10 messages, she is going to leave a sign so that people will know that this is true. The sign that she is going to leave will be visible, it will be permanent and will be indestructible and the visionaries have said that they have seen the sign and it is absolute magnificent. So all of you, when you vote think about the people that you are not taking care of and this is her message. Take care of each other, vote your conscience, do the right thing. This just doesn't seem right. It hasn't been fixed, it hasn't been tried to be fixed. Nobody tried to fix it. And for these people to give up wages and benefits and all of the rest of the people continue to get them, that is not fair. That is just illogical. But anyway, think about what you are doing because then you have to lay down tonight and sleep with your conscience. Thank you.

My name is Carol Steger, I live at 3742 East Main Road in Fredonia. I'm a Social Worker and Admission Coordinator for the Chautauqua County Home. I am the first person that many of these families call when they are looking for placement for someone. They have been in crisis, a medical crisis with their family member. If we have no room in this area, they are told that they will be looking in other areas. Our hospitals send to the Erie area, they send to the Buffalo area. Under Medicare guidelines, the discharge planners there are to seek placement within a 50 mile radius.

There are many of our County residents, North and South County, who are residing in the Erie and Buffalo area. I've worked in the private sector. I've worked as a discharge planner at Brooks Hospital and I've worked at the County Home for 13 years. So, I think that I have a little bit of a background in the process. I know that the dollars mean a lot and we do need to make some type of profit or at least break even. But, we also have been given a mission to support the County residents. Our family members pay taxes all their lives, whether they need the nursing home or not and a *(inaudible)* will be showing up soon on the doorstep of the homes. In a private sector the dollar is the bottom line. If you have no money and you are a Medicaid resident, you are one of the last ones to be considered unless you have a disease that makes you more attractive to that facility. We do have residents who have no income, we get only the Medicaid dollars. Those are the people that will not be attractive to a private pay facility. Those are the ones whose families are going to have to go out of the area to visit them. Those are the ones who have 88 year old wives who are able to drive in town but they are not going to be able to drive in Buffalo. They are not going to be able to drive out to Erie. Those are the people that paid their taxes every year, live their law abiding hard working lives and those are the ones that you represent. I just wish that it would not be so much about money and more about what our true responsibilities are.

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RES. NO. 198-13

Authorizing Asset Purchase Agreement and Escrow Agreement for the Chautauqua County Home with Dunkirk Realty Holdings, LLC and Dunkirk Operating, LLC

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

WHEREAS, the Director of Finance projects a \$2.6 million operating deficit in 2013 for the Chautauqua County Home ("the County Home"); and

WHEREAS, because of the current fiscal climate which exists within the County, State, and United States, as well as the continued burden of unfunded mandates coupled with New York State's mandated 2% tax cap, Chautauqua County can no longer sustain and afford a \$2.6 million operating deficit at the County Home; and

WHEREAS, pursuant to Resolution 225-11, the marketing firm of Marcus and Millichap was selected to seek proposals for the potential sale, lease, or other disposition of the County Home; and

WHEREAS, Marcus and Millichap has obtained an offer for purchase of the County Home from Dunkirk Realty Holdings, LLC and Dunkirk Operating, LLC for a lump sum of \$16.5 million; and

WHEREAS, a proposed asset purchase agreement and escrow agreement dated September 30, 2013 has been prepared and presented to the County Legislature for sale of the County Home ("the Action") to Dunkirk Realty Holdings, LLC ("the Purchaser") and Dunkirk Operating, LLC ("the New Operator"), including but not limited to, conveyance of all of the real property, buildings, equipment, furnishings, and other personal property (collectively "the Property," and being known as tax parcel 95.02-1-15 on the Chautauqua County Tax Map); and

WHEREAS, the County has caused an Environmental Assessment Form (the "EAF") to be prepared; and

WHEREAS, the County has determined that the Action is an unlisted action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and accordingly does not require a coordinated review; and

WHEREAS, the County has reviewed the EAF, and analyzed and considered any relevant areas of environmental concern and the probable environmental impacts of the Action to determine if the Action may have any significant adverse environmental effects; now therefore be it

RESOLVED, That the Action entails merely the transfer to the Purchaser and the New Operator of the ownership of an existing operating facility and associated property with no change to the environment or facility operations, such that the Action will not result in an adverse impact to the Property, will not adversely affect any water body designed as protected pursuant to New York Environmental Conservation Law nor will the Action affect any non-protected existing or new body of water, there will be no significant adverse impact to existing air quality from the Action, there will be no substantial adverse environmental impacts to plants and animals from the Action, the Action will not cause a significant adverse effect on aesthetic resources in the area, the Action will not adversely impact any site or structure of historic, prehistoric or paleontological importance, the Action will not adversely impact open space or recreation, the Action will not entail any adverse impact on transportation, there will be no adverse impact from the Action or on the growth and character of the community or neighborhood, and the Action will not exceed any of the criteria in Section 617.7 of Title 6 of NYCRR; and be it further

RESOLVED, That the County hereby determines, for the foregoing reasons, that the Action will not have a significant potential adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, does issue a negative declaration; and be it further

RESOLVED, That pursuant to Section 215 of the New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find that due to the current fiscal challenges facing County government, including the continued strain of unfunded mandates and the continued projected financial losses at the County Home, and given the proven capability of the private sector to operate high quality skilled nursing facilities, it is no longer in the best interest of the County to own, operate, or maintain the County Home, and the Property is surplus and no longer necessary for public use; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the aforementioned asset purchase agreement and escrow agreement dated September 30, 2013 on file with the Clerk of the County Legislature, for conveyance of the Property to the Purchaser and New Operator for a purchase price of \$16.5 million; and be it further

RESOLVED, That the County Executive is authorized to execute all deeds, bills of sale, asset transfer documents, and all other documents necessary to accomplish the complete sale of the Property.

Signed: Tarbrake, James, Horrigan, Hemmer, Runkle, Nazzaro, Borrello, Himelein (A.C. DeJoe voting "no")

Defeated – R/C Vote: 16 Yes; 9 No (No's: Ahlstrom, Cornell, Coughlin, DeJoe, Duff, Heenan, Hoyer, Scudder, Whitney) – October 30, 2013

2<sup>nd</sup> Privilege of the Floor

My name is Antoinette Snyder, thank you all for those that voted no, you can sleep well tonight. You will never be sorry.

My name is Susan Baldwin and thank you very much for not voting to sell the County Home again. Thank you very much.

My name is Ben Haskins, 1982 Peck-Settlement Road, Jamestown, New York, Town of Ellicott. Thanks again. Same vote as last time, turned out good. Thank you.

Frank Gawronski, 230 Lincoln Avenue in Dunkirk. I want to thank those people who had the courage to vote for people and against money. Thank you.

Good evening everyone, my name is Bonnie Peters. I live at 8237 Glassglow Road. Once again, I come before you and say, one time no, second time no, third buyer no, three times, three strikes, you are out. Thank you guys for doing the right thing. Good night.

Chairman Gould: Is there anyone else to speak to the 2<sup>nd</sup> privilege of the floor? Seeing no one, I will entertain a motion to adjourn.

MOVED by Legislator Ahlstrom, SECOND by Legislator DeJoe and duly carried the meeting was adjourned. (8:12 p.m.)

Regular Meeting  
Chautauqua County Legislature  
6:30 P.M.  
Wednesday, November 20, 2013  
Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent Borrello, DeJoe, James)

Legislator Wendel delivered the prayer and pledge of allegiance.

MOVED by Legislator Croscut, SECONDED by Legislator Runkle and duly carried the minutes were approved. (10/30/13)

Privilege of the Floor

My name is Stephen Keefe, 17 Green Street, Fredonia, N.Y. Today I am speaking on behalf of the Board of Trustee of the Village of Fredonia and speaking as the Mayor of Village of Fredonia. Today you are looking at resolution 211-13, Establishing a County Water Agency Pursuant to Article 5A of the County Law. I would ask the question how many of you have read the rough draft for the North County Water District? We, the Village of Fredonia received it on November 1<sup>st</sup>. While reviewing the draft, I have a number of questions. For example, how does the plan exclude the Village of Fredonia but include SUNY Fredonia, one of our leading customers. Forming a water agency at this time is premature and not supported by the Village of Fredonia or the City of Dunkirk who are major providers in northern Chautauqua County. Since Dunkirk and Fredonia have the largest assessed value and contain the largest population center, it would be unfair to start assessing village and city and other property owners for the cost of the proposed district including the cost of the engineers when the legislative bodies of the Village and City do not support the water district. We do not want to see any special assessments on our taxpayers' tax bills for water district we are opposed to. I want to make it clear, we are not opposed to regional water district but we are opposed to this design. All other regional water systems designs have include Fredonia's gravity fed water source and their plans. The engineer's plans submitted by Clark, Patterson, Lee, requires the closing of the Fredonia water plant which the Village Board unanimously is opposed to. We were expected to close down the plant before any plans were developed. Now that we have reviewed the draft plans, we have questions that need to be addressed. I feel keeping the water plant open and operational is in the best interest for the Village of Fredonia and the region as we supply five or six water districts in the Town of Pomfret with potable water. We asked that you postpone the formation of the agency which proposes rates much higher than the City or the Village current charge. Also the County Executive elect as well as regional Legislators have the chance to meet with the north County elected representatives to form a resolution that is fair and equitable. I have made copies of our Village resolution for each of you to look at and the press. The resolution concisely reflects the concerns over the proposed water district and I would ask that you read it rather than putting me through the pain of me reading it in its entirety. Read it at your leisure and contact me if you have any questions but I would request that you table this proposal for this time.

My name is Kim Sherwood, I live at 1341 28<sup>th</sup> Creek Road, Ellington. I am also the Chairman of the Conewango Creek Watershed Association which is different from the Conewango Creek Watershed Commission. The Commission operates in the northern part of the watershed, the Association deals with issues throughout the Conewango. I sit as a representative from the Conewango Creek Watershed Association on the Chautauqua Lake Management Commission. The Chautauqua Lake Watershed is approximately 18% of the Conewango Creek watershed. So, now that I have you totally baffled with numbers, I will get to the point. My point is this, I believe this

change in the 2% funding structure is unfair and inequitable and is a mistake but I realize that it's been essentially forced upon you but I would like to go on record and say that I think that it is a mistake.

A couple of weeks ago I was a speaker at a storm water conference in Ellicottville. The conference was for municipal officials. There was a gentleman there from Allegany County who asked the question of the crowd, well where do you get money to fund a project to address flooding and erosion concerns? I cited the 2% money as one of the funding mechanisms that are used here in Chautauqua County. That was a pretty novel idea over there. I realize the formation, the utilization of that 2% was contentious but I think that it has been implemented well and I know that it has helped a lot of municipalities to address flooding and erosion concerns throughout the County as it was originally intended.

A few years ago I was working on a storm water contract with Southern Tier West and I had the opportunity to go over to the Cornell Local Roads program. The gentleman who started the Cornell Local Roads program back in 1972 gave me an interesting fact. He said approximately 70% of a rural municipalities budget goes to their highway department. Seventy percent. That is a big number. Why do they need so much? They need so much because their road systems and their road drainage systems are very closely tied to their stream systems and they have flooding and erosion issues and sedimentation issues. I know the 2% funds in Chautauqua County have helped many municipalities address road problems related to flooding and erosion concerns. Now many of those municipalities will be ineligible to apply. I think that is wrong.

Lastly, every once in a while I show up here and I hold up this booklet and if you look at this booklet, we have a lot of lake related recreation highlighted in the booklet as well we should. We should be proud of our lakes and we certainly should work to improve them but we also have a lot of other areas that we show in this booklet. We have farms and forest and maple products. We have hiking trails, biking trails, fishing and hunting, we have a lot of activities in the County that are outside the lakes watershed that have the same kinds of problems that the lake watersheds have. Now many of them will be ineligible to apply for a funding mechanism that really was intended to help all of them. So, in closing, I would like to go on record and say that I believe this is unfair. I understand that it was forced down your throats but I hope the day comes that maybe there will be an opportunity to restore this funding mechanism to its original intent which was to be used throughout the County. Thank you.

Chairman Gould: Is there anyone else to speak to the first privilege of the floor? Seeing no one, we'll close the first privilege of the floor.

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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS  
NO VETOES FROM 10/30/13

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COMMUNICATIONS:

1. Budget Message – Re: Res. No. 197-13 - Amending Tentative Budget
  2. Letters (12) – C. Exec. – Re: Apptmts. to Various Boards & Commissions
  3. Letter – C. Exec. – Resignation Effective 11/17/13
  4. Letter – Coroner Mackowiak – Re: Requesting Re-Appointment/Coroner
  5. Memo – Legislature – Re: LL Intro. 12 & 13-13 (Mailed 11/7/13)
  6. Report – Fn. Dir. Marsh – Re: October Investment Report
  7. Quarterly Report – Small Business Development Center – (7/1 – 9/30/13)
  8. Letter – JCC President Duckworth – Invite to JCC President's Roundtable
  9. Letter – NYS Dept. of State – Ack. Receipt of LL 6-13
  10. Minutes – Chaut. County Soil & Water Conservation District (10/24/13)
  11. Letter – Exec. Dir. Tampio - Chadwick Bay Regional Development Corp – Re: Support of Resolution to Establish a County Water Agency
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RES. NO. 199-13  
Confirm Re-Appointments - Chautauqua County Airport Commission

By Public Facilities 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 Airport Commission.

John R. Churchill	Jerry Park
3230 Chautauqua Ave.	1664 Rt. 83
Ashville, N.Y. 14710	Forestville, N.Y. 14062-9651
Term Expires: 12/31/15	Term Expires: 12/31/15

Signed: Himelein, Horrigan, Erlandson

Unanimously Adopted – November 20, 2013

RES. NO. 200-13  
Confirm Re-Appointment – New York State Fish & Wildlife Management Board

By Public Facilities 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 Fish and Wildlife Management Board.

Zen Olow  
23 Bennett Drive  
Fredonia, N.Y. 14063  
Term Expires: 12/31/15

Signed: Himelein, Horrigan, Erlandson

Unanimously Adopted – November 20, 2013

RES. NO. 201-13  
Confirm Appointment & 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 appointment and re-appointments for action by the Chautauqua County Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua County Traffic Safety Board.

Appointment:

Drew Rodgers  
3800 Fluvanna Townline Rd.  
Jamestown, N.Y. 14701  
Term Expires: 5/31/15

Filling the term of John Bremmer

Re-Appointments:

John R. Bentley  
20 West Summit St.  
Lakewood, N.Y. 14750  
Term Expires: 12/31/16

Patrick Wheeler  
10427 Bayshore Drive  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/16

Signed: Duff, Wendel, Whitney, Hemmer

Unanimously Adopted – November 20, 2013

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RES. NO. 202-13

Confirm Appointment - Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Disaster Preparedness Commission.

Richard Jones  
2203 Fox Chase  
Lake View, N.Y. 14085  
Term Expires: 12/31/16

Replacing Eric Meka

Signed: Duff, Wendel, Whitney, Hemmer

Unanimously Adopted – November 20, 2013

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RES. NO. 203-13

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.

Susan M. Sosinski  
 15 Ahrens Place  
 Fredonia, N.Y. 14063  
 Term Expires: 12/31/19

Signed: Tarbrake, Horrigan, Hoyer, Hemmer

Unanimously Adopted – November 20, 2013

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RES. NO. 204-13  
 Confirm Re-Appointments - Chautauqua County Aging Advisory Board

By Human Services Committee:  
 At the Request of County Executive Gregory J. Edwards:

WHEREAS, Gregory J. Edwards, County Executive, has submitted the following 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 Aging Advisory Council.

Ellen Coffaro  
 92 West Fairmount Ave.  
 Lakewood, N.Y. 14750  
 Term Expires: 12/31/15

David A. Kowalewski  
 7 Beach Place  
 Fredonia, N.Y. 14063  
 Term Expires: 12/31/15

Signed: Tarbrake, Horrigan, Hoyer, Hemmer

Unanimously Adopted – November 20, 2013

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RES. NO. 205-13  
 Confirm Re-Appointments - Chautauqua County Youth Board

By Human Services Committee:  
 At the Request of County Executive Gregory J. Edwards:

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

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

Jordan T. Woleen  
 4 Crescent Ave.  
 Lakewood, N.Y. 14750  
 Term Expires: 12/31/16

Replacing Linda Shields

Susan Drago  
 9 Brook St.  
 Lakewood, N.Y. 14750  
 Term Expires: 12/31/16

Signed: Tarbrake, Horrigan, Hoyer, Hemmer

Unanimously Adopted – November 20, 2013

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RES. NO. 206-13  
Confirm Re-Appointment – Conewango Watershed Commission

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-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 Conewango Watershed Commission.

Kenneth Chase  
646 Pinner Road  
Cherry Creek, N.Y. 14723  
Term Expires: 12/31/16

Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – November 20, 2013

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RES. NO. 207-13  
Confirm Re-Appointment - 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-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 Environmental Management Council:

Douglas E. Conroe  
PO Box 137  
4741 Whiteside Parkway  
Maple Springs, N.Y. 14756  
Term Expires: 12/31/16

Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – November 20, 2013

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RES. NO. 208-13  
Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

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

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

Monte Kennedy 5154 Bly Hill Road Ashville, N.Y. 14710 Term Expires: 12/31/15	Zen Olow 23 Bennett Dr. Fredonia, N.Y. 14063 Term Expires: 12/31/15
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Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – November 20, 2013

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RES. NO. 209-13  
Confirm Re-Appointments - Chautauqua County Planning Board

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 Planning Board:

Jeffrey E. Gossett 8 Sunset Drive Fredonia, N.Y. 14063 Term Expires: 12/31/16	Dr. John P. Hamels 5996 Welch Hill Rod. Ripley, N.Y. 14775 Term Expires: 12/31/16
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Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – November 20, 2013

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RES. NO. 210-13  
Confirm Appointment from Chautauqua Water Quality Task Force to Lake Erie Management Commission

By Planning & Economic Development Committee:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, there is a vacancy due to the resignation of Lee Servatius who served as the representative for the Water Quality Task Force for the Lake Erie Management Commission; and

WHEREAS, a nomination has been received from the Water Quality Task Force for a representative to fill the vacancy on the Lake Erie Management Commission; now therefore be it

RESOLVED, that the Chautauqua County Legislature hereby confirms the appointment of the following member to the Lake Erie Management Commission.

Joe Galati  
2527 Palm Road  
Jamestown, NY 14701

Signed: Croscut, Ahlstrom, Rogers, Heenan

Unanimously Adopted – November 20, 2013

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RES. NO. 211-13

Establishing County Water Agency Pursuant to Article 5-A of the County Law

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards & Chairman Jay Gould:

WHEREAS, the communities that comprise northern Chautauqua County, also known as the Chadwick Bay Region, achieved in 1996 the designation of a Champion Community region by USDA Rural Development, and in 2003 formed the Chadwick Bay Regional Development Corporation ("CBRDC") as a not-for-profit corporation with IRS 501(c)(3) status; and

WHEREAS, CBRDC and the County's Department of Health and Human Services have cooperated in the study of water supply needs in northern Chautauqua County, and have identified the potential development of a Chadwick Bay regional water supply program as presented to the Chautauqua County Legislature at its meeting of August 28, 2013; and

WHEREAS, Article 5-A of New York State County Law authorizes the County to create a County Water Agency to evaluate water supply needs, prepare maps and plans, and recommend to the County Legislature the creation of County water district(s) as may be necessary in the best interest of the people of Chautauqua County; therefore be it

RESOLVED, That there is hereby established a Chautauqua County Water Agency pursuant to Article 5-A of the County Law, initially consisting of ~~eleven (11)~~ twelve (12) members to serve without compensation, as follows:

1. Three (3) County Legislators, consisting of the Chairman and Ranking Member of the County Legislature's Public Facilities Committee, and their successors in office, and a County Legislator appointed by the Chairman of the County Legislature; and
2. Eight (8) elected officials representing the municipalities proposed to be included in Phase I of the proposed regional water supply program, to include the Mayors of the City of Dunkirk and the Villages of Brocton and Silver Creek, and the Supervisors of the Towns of Dunkirk, Hanover, Pomfret, Portland, and Sheridan, and their successors in office; and
3. One (1) Member appointed by the Common Council of the City of Dunkirk;  
and be it further

RESOLVED, That it is the intent of the County Legislature to review the makeup of the membership of the County Water Agency as later phases of the project are developed.

**Strikethrough Indicates Deletion – Underlined Text Indicates New Language**

Signed: Himelein, Horrigan, Erlandson (Amended in P.F.- Underline: New Language; Strikethrough: Deletion)

MOVED by Legislator Ahlstrom, SECONDED by Legislator Croscut and duly carried the resolution was amended as follows:

To delete, under #1. [consisting of the Chairman and Ranking Member of the County Legislature's Public Facilities Committee, and their successors in office, and a County Legislator]

Adopted as amended w/ Coughlin voting "no" – November 20, 2013

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RES. NO. 212-13

Authorize Public Hearing on Lease with CTASC at Chautauqua County Airport in Jamestown

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; and

WHEREAS, Article 14 of the General Municipal Law requires a public hearing before the County Legislature can authorize such an agreement; therefore be it

RESOLVED, That pursuant to General Municipal Law a public hearing shall be held before this Legislature on the above-referenced proposed lease agreement with CTASC on December 18, 2013 at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York 14757; and it is further

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

Signed: Himelein, Horrigan, Erlandson

Unanimously Adopted – November 20, 2013

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RES. NO. 213-13

Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects

By Public Facilities and Legislators Runkle & Nazzaro:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, the New York State Department of Environmental Conservation has funding available for Water Quality Improvement Projects; and

WHEREAS, the Chautauqua Lake watershed will benefit from use of grant funding for hydro-seeding and for the installation of erosion control and sediment traps on road banks and ditches in the County of Chautauqua; and

WHEREAS, grant funds for nonagricultural nonpoint source erosion control are available for up to 75 percent of the total project costs, with applicants providing the remaining match funds of at least 25 percent of the total project costs; and

WHEREAS, County match funds will be provided by contributing fifty hours of in-kind labor and equipment, with an estimated value of \$10,000.00; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, by the Chautauqua County Legislature as follows:

1. The County Executive is the representative authorized to act on behalf of the County's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County's governing body in all matters related to the Project and to State assistance.
2. The County agrees that it will fund its match portion of the cost of the Project, and funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.
3. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. This Resolution shall take effect immediately.

Signed: Himelein, Horrigan, Erlandson, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 214-13

Confirming the County of Chautauqua as Lead Agency Responsible for SEQRA Review for the Proposed Construction of a County Public Facilities Maintenance Facility in the Village of Falconer

By Public Facilities Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 145-13, the County Legislature approved a bond resolution in the amount of \$250,000 for design, permitting, surveys, planning, and other preliminary studies, including State Environmental Quality Review Act (SEQRA) compliance, in connection with the

construction of a County DPF maintenance facility at DPF's current location on North Work Street in the Village of Falconer; and

WHEREAS, pursuant to SEQRA, all Involved Agencies have been advised of the County's intent to act as Lead Agency for the SEQRA process, and all such agencies have agreed to the designation of the County as Lead Agency for coordinated review of the proposed project; therefore be it

RESOLVED, That the County Legislature hereby confirms the designation of the County of Chautauqua as Lead Agency responsible for SEQRA review for the proposed construction of a County DPF public maintenance facility at DPF's current location on North Work Street in the Village of Falconer.

Signed: Himelein, Horrigan, Erlandson

Adopted w/ Cornell and Rogers voting "no" – November 20, 2013

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RES. NO. 215-13  
Distribution of Mortgage Taxes

By Administrative Services and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due the pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**April 1, 2013 through  
September 30, 2013**

<b>TOWNS</b>		<b>CITIES</b>	
Arkwright	6,515.88	Dunkirk	43,589.13
Busti	61,460.98	Jamestown	88,900.96
Carroll	17,010.81		
Charlotte	4,726.57	<b>TOTAL</b>	<b>\$132,490.09</b>
Chautauqua	59,449.46		
Cherry Creek	3,189.44		
Clymer	8,873.82	<b>VILLAGES</b>	
Dunkirk	8,894.03		
Ellery	40,100.41	Bemus Point	2,641.59
Ellicott	56,371.66	Brocton	1,249.67
Ellington	4,361.92	Cassadaga	2,105.64
French Creek	14,447.62	Celoron	3,357.12

Gerry	22,967.12	Cherry Creek	360.29
Hanover	31,249.78	Falconer	6,639.00
Harmony	7,307.29	Forestville	1,097.82
Kiantone	8,446.76	Fredonia	27,749.56
Mina	9,278.62	Lakewood	19,286.84
North Harmony	25,456.82	Mayville	4,766.79
Poland	12,477.46	Panama	888.74
Pomfret	52,996.70	Sherman	1,187.67
Portland	13,758.70	Silver Creek	3,794.42
Ripley	15,083.86	Sinclairville	1,392.66
Sheridan	16,984.38	Westfield	9,586.92
Sherman	6,009.38		
Stockton	11,168.65	<b>TOTAL</b>	<b>\$86,104.73</b>
Villanova	5,092.63		
Westfield	26,097.89		
<b>TOTAL</b>	<b>\$549,778.64</b>		

**GRAND TOTAL** \$768,373.46

Signed: Barmore, Tarbrake, DeJoy, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 216-13  
FEMA SAFER Grant Acceptance

By Public Safety and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded FY 2010 funds for the Staffing for Adequate Fire and Emergency Response (SAFER) – Recruitment Program from the Department of Homeland Security (DHS) in the amount of \$393,860; and

WHEREAS, the grant is to support efforts to increase the number of trained, “front-line” firefighters available in their communities; and

WHEREAS, the grant is 100% funded with no matching funds and runs from the period of July 10, 2011 through July 09, 2015, and as may be extended by DHS; and

WHEREAS, Resolutions 129-11 authorized the County Executive to sign and accept the SAFER Grant; and

WHEREAS, the Office of Emergency Services needs to appropriate funds to the 2013 budget that were used to advertise and promote the Open House weekend at most Fire Departments this past April; therefore be it

RESOLVED, That the Director of Finance is directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	2,895
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INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5007	Federal Aid – Homeland Security	2,895
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Signed: Duff, Wendel, Whitney, Hemmer, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 217-13  
Homeland Security Grants for FY09, FY10 & FY11 Appropriations for 2013

By Public Safety and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Office of Emergency Services was awarded funds from the Homeland Security Program for Fiscal Year 2009, 2010 and 2011; and

WHEREAS, Resolutions 95-10,127-11 and 72-12 authorized the County Executive to sign and accept the Homeland Security Grant Programs; and

WHEREAS, to meet the objectives of the SHSP grant programs, funds need to be appropriated to purchase equipment & supplies as stated in the work plans to achieve the project goals; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.2	Equipment – Emergency Services	36,998
A.3010.----.3	Depreciable Equipment – Emergency Services	7,109
A.3010.----.4	Contractual – Emergency Services	<u>24,875</u>
		\$68,982

INCREASE REVENUE ACCOUNT:

A.3010.----.R430.5004	Federal Aid – Homeland Security	\$68,982
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Signed: Duff, Wendel, Whitney, Hemmer, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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## RES. NO. 218-13

Authorize Agreement with Erie 2-Chautauqua-Cattaraugus BOCES for Culinary Arts Instruction

By Public Safety and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Erie 2-Chautauqua-Cattaraugus BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2013 through July 31, 2014, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,257.00; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Erie 2-Chautauqua-Cattaraugus for a culinary arts instruction program.

Signed: Duff, Wendel, Whitney, Hemmer, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

## RES. NO. 219-13

Authorize Agreement with Village of Silver Creek for Enhanced Police Services

By Public Safety and Legislators Runkle & Nazzaro:  
At the Request of Gregory J. Edwards:

WHEREAS, the Village of Silver Creek has requested that the Office of the Sheriff provide enhanced police services within the geographical boundaries of the Village during the 2014 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of January 1, 2014 through December 31, 2014, with quarterly payments to be made by the Village to the County in the amount of \$94,413.00; now therefore be it

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

Signed: Duff, Wendel, Whitney, Hemmer, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

## RES. NO. 220-13

Authorize Execution of Grant Agreement with the United States Marshals Service Western Division

By Public Safety and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, the Chautauqua County Office of the Sheriff has received notice that the United States Marshals Service has approved funding for "Operation Jumping Fish"; and

WHEREAS, the United States Marshals Service will provide funding in the amount of \$4,384.80 for the contract period from August 26, 2013 to September 30, 2013 with no local funds; therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the Memorandum of Understanding – "Operation Jumping Fish" with the United States Marshals Service in the initial amount of \$4,384.80 with no local share; and be it further

RESOLVED, That the Director of Finance is authorized to make the following 2013 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services – Sheriff Operations	\$4,385
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INCREASE REVENUE ACCOUNT:

A.3110.R438.9000	Federal Aid – Other Public Safety Aid	\$4,385
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Signed: Duff, Wendel, Whitney, Hemmer, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 221-13

Amend Resolution 65-13 – 2% Lakes and Tributary Streams Funding

By Planning & Economic Development Committee:

At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Local Law 2-08 of the County of Chautauqua, as amended, there has been an occupancy or "bed tax" on the rental of lodging units within the County; and

WHEREAS, Section 1202-j of the New York State Tax Law further provides that all revenues derived from the imposition of the occupancy tax, after deduction the amount provided for administering such tax, shall be allocated as follows: three-fifths of such revenue (the original 3% tax) shall be credited to and deposited in a special tourism and convention fund, for the purposes of enhancing and promoting Chautauqua county, its cities, towns and villages through the promotion of tourism, conventions, trade shows, special events and other directly related and supporting activities including, but not limited to, programs to improve the aesthetic qualities of the county; to enhance the environment; to improve infrastructures related to tourism, conventions and trade shows; to develop, operate and maintain parks, recreational facilities and tourist attractions; and such other programs as authorized by local law; and any amount of revenues derived from such tax over three-fifths of such revenues (the newer 2% tax) shall be credited to and deposited into a special lake management and enhancement fund, solely for the purposes of maintaining and enhancing the lakes of Chautauqua County, including, but not limited to, environmentally responsible control, treatment, and/or removal of invasive or nuisance submerged aquatic vegetation; shoreline maintenance and cleanup; the enhancement of lakes for fishing, boating and other recreational activities; reduction of watershed erosion, sedimentation and nutrient loading; protection of environmentally sensitive shorelines; and such other programs as authorized by local law specifically for the enhancement and protection of the lakes and tributary streams of Chautauqua County pursuant to programs authorized by local law;

WHEREAS, policy guidelines to allocate the limited resources generated by the revenues over three-fifths (the newer 2% tax) were amended pursuant to Resolution 65-13, and it is appropriate to further amend such guidelines to reflect amendments to Section 1202-j pursuant to Chapter 128 of the Laws of 2013 of the State of New York ; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby amends the policy guidelines established pursuant to Resolution 65-13 for the allocation of occupancy tax revenue over three-fifths (the newer 2% tax), as follows:

1. The Chautauqua County Watershed Coordinator position, which includes salary, fringes, travel and other necessary expenses, shall be supported by \$90,000 of the occupancy tax for lakes and tributary streams. All funds not utilized annually shall be returned to the reserve fund for lakes and tributary streams.
2. The Chautauqua County Soil & Water Conservation District shall be supported by \$100,000 for its assistance in the implementation of lake watershed management projects on a county-wide basis.
3. Maintenance of the lakes and tributary streams waterways, which shall include nutrient and sediment reduction, and SAV management, shall be funded through the provision of funding to the following organizations:
  - a. Chautauqua Lake Association – \$90,000.00
  - b. Findley Lake Association – \$5,000.00
  - c. Cassadaga Lake Association – \$3,000.00
  - d. Bear Lake Association – \$1,500.00
  - e. Lake Erie Management Commission – \$25,000.00
  - f. ~~Department of Public Facilities, Division of Engineering for Conewango Watershed dam engineering inspections as required by the DEC "Dam Safety Regulations" – \$25,000.~~

It is the intent of the County Legislature that unused portions of the aforementioned annual allocations to the Lake Erie Management Commission and ~~Department of Public Facilities~~ shall be re-appropriated for the same purposes in future fiscal year(s).

4. The balance of the annual occupancy tax revenues generated over three-fifths by the 2% tax shall be utilized to enhance and protect the lakes and tributary streams of Chautauqua County. The following method shall be utilized to determine how such funds are distributed annually:
  - a. A seven (7) member Lake Management Waterways Panel made up representatives from the Chautauqua County Water Quality Task Force (WQTF), facilitated by the Chautauqua County Watershed Coordinator, shall evaluate and prioritize all lake and tributary stream protection and enhancement projects submitted to the Legislative Planning and Economic Development Committee annually. The Lake Management Waterways Panel will submit its recommendations and findings to the Legislative Planning and Economic Development Committee for consideration.
  - b. All requests for funding shall be submitted annually on forms as prescribed by the Legislative Planning and Economic Development Committee. All requests will conform to parameters established by the Legislative Committee. These parameters shall include that the purchase of any

**Strikethrough Indicates Deletion – Underlined Text Indicates New Language**

property is not eligible as a project to be funded by the 2% Lakes and Tributary Streams Waterways Bed Tax. The Lake Management Waterways Panel charged with evaluating and prioritizing projects request may recommend modifications to the forms and parameters to better suit the needs of the panel and better serve the purpose of the County.

- c. All requests shall be initially ranked on a "Lake Management Waterways Ranking Form" prior to final prioritization and recommendations by the Lake Management Waterways Panel to the Legislative Committee.
- d. If during annual implementation of the approved lake and tributary stream protection and enhancement projects circumstances or new information surface that prevents a project from being undertaken, the next project on the prioritization list will be considered for funding with all or a portion of the funds budgeted for the original project. If no project exists on the annual prioritization list that can viably begin within the fiscal year, the funds from the original project will be returned to the reserve fund for lakes and tributary streams waterways.

Signed: Croscut, Ahlstrom, Rogers, Heenan (New: Underlined; Strikethrough: Deleted)

MOVED by Legislator Ahlstrom, SECONDED by Legislator Heenan and duly carried to amend by adding a final Resolved as follows:

RESOLVED, That a copy of the revised resolution be sent to Senator Young and Assemblyman Goodell along with the handouts provided by Legislator Erlandson and also a copy of the minutes reflecting Legislator Erlandson's comments to this matter.

Amendment Carried w/ Cornell voting "no"

Defeated as amended – R/C Vote: 11 Yes; 10 No; 4 Absent (No's: Cornell, DeJoy, Erlandson, Heenan, Hoyer, Nazzaro, Rogers, Wendel, Whitney, Gould) – November 20, 2013

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RES. NO. 222-13

Authorize Agreement with County of Cattaraugus to Extend Term of the Conewango Watershed Commission

By Planning & Economic Development and Legislator Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Resolution 223-10, the County Legislature authorized an agreement with the County of Cattaraugus to extend the term of the Conewango Watershed Commission until December 31, 2013 to manage the flood control structures in the Conewango Creek Watershed and to clean the 12.5 mile New York State Drainage Ditch, otherwise known as the Dredge; and

WHEREAS, the Conewango Watershed Commission and the County of Cattaraugus wish to extend the term of the Conewango Watershed Commission to continue its management of the watershed infrastructure; therefore be it

RESOLVED, That the County Executive is authorized and empowered to enter into an extension agreement with the County of Cattaraugus as described above to extend the term of the Conewango Watershed Commission to December 31, 2018 upon the following terms and conditions:

**Strikethrough Indicates Deletion – Underlined Text Indicates New Language**

1. Term: January 1, 2014 to December 31, 2018.
2. Operation and Maintenance Expense: Subject to appropriation, to be shared equally by the counties for both Conewango Watershed Protection Projects and the Dredge. Commencing in 2015, each County agrees to budget \$7,500.00 per year for annual operation and maintenance expense.
3. Capital Expense: Subject to appropriation, counties each responsible for capital improvements located within their borders.
4. Termination. Upon ninety (90) days written notice.
5. Other. As negotiated by the County Executive

Signed: Croscut, Ahlstrom, Rogers, Heenan, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 223-13  
Authorizing Purchase of CCIDA Bonds

By Planning & Economic Development and Legislators Runkle & Nazzaro:  
At the Request of County Executive Gregory J. Edwards:

WHEREAS, pursuant to Sections 864 and 872 of New York State General Municipal Law, the County of Chautauqua Industrial Development Agency (CCIDA) is authorized to issue negotiable bonds for industrial development purposes and the County is authorized to purchase such bonds; and

WHEREAS, CCIDA intends to issue bonds in the amount of \$300,000 to assist in the purchase, maintenance, and development of the former Maplevale Farms, Inc. Warehouse/Distribution Facility in the Town of Clymer, and it is desirable and appropriate for the County to further the industrial development efforts of CCIDA by purchasing said bonds; therefore be it

RESOLVED, That the County Executive and Director of Finance are hereby authorized and empowered to purchase up to \$300,000 in CCIDA bonds issued for the purchase, maintenance, and development of the former Maplevale Farms, Inc. Warehouse/Distribution Facility in the Town of Clymer, on the following terms and conditions:

1. Term. Two (2) years
2. Interest Rate. Five percent (5%)
3. Other. As negotiated by the County Executive.

Signed: Croscut, Ahlstrom, Rogers, Heenan, Runkle, Nazzaro

Unanimously Adopted – November 20, 2013

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RES. NO. 224-14  
Making Appropriations for the Conduct of County Government for Fiscal Year 2014

At the Request of Chairman Frank J. Gould:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2014 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 197-13 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 197-13 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

WHEREAS, in accordance with Section 8.07 of the Administrative Code the Budget Director is authorized to make any corrections in the budget as may be required due to any typographical, mathematical or technical errors, after conditional adoption of the budget; and

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2014; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 225-13  
Authorize Tax Levy

At the Request of Chairman Frank J. Gould:

WHEREAS, there has been adopted a budget for the fiscal year of 2014 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2014 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 139-13 adopted July 24, 2013.
5. Upon the property on which school taxes are uncollected as of November 31, 2014, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2014, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2014 pursuant to law or resolution of this Legislature.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 226-13  
 Authorize Levy of Town Taxes

At the Request of Chairman Frank J. Gould:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 227-13  
 Authorize Levy of Unpaid Town Charges

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 228-13  
 Authorize Levy of Omitted Taxes

At the Request of Chairman Frank J. Gould:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 229-13  
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2014 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2014 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 230-13  
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank J. Gould:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2014 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2014 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 231-13  
Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Frank J. Gould:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges

without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of "County Sewer Charges" or "County Sewer Penalty".

Signed: Gould

Unanimously Adopted – R/C Vote: 21 Yes; 4 Absent – November 20, 2013

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RES. NO. 232-13  
Fixing Equalization Rates for 2014

At the Request of Chairman Frank J. Gould:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2014 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2014 tax rolls in the following towns and cities:

Arkwright	55%	Harmony	100%
Busti	100%	Jamestown, City	100%
Carroll	100%	Kiantone	100%
Charlotte	100%	Mina	100%
Chautauqua	100%	North Harmony	100%
Cherry Creek	100%	Poland	100%
Clymer	100%	Pomfret	20.21%
Dunkirk, Town	73.50%	Portland	54.00%
Dunkirk, City	82.00%	Ripley	100%
Ellery	100%	Sheridan	70%
Ellicott	100%	Sherman	100%
Ellington	100%	Stockton	100%
French Creek	100%	Villanova	65.00%

Gerry	100%	Westfield	80.00%
Hanover	98.00%		

Signed: Gould

Unanimously Adopted – November 20, 2013

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EMERG. NO. 233-13

Goose Creek Streambank Stabilization Project to be Submitted to the New York State Water Quality Improvement Project Grant Program

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the New York State Department of Environmental Conservation has funding available for Water Quality Improvement Projects; and

WHEREAS, Chautauqua Lake will benefit from use of grant funding for streambank stabilization and erosion control for severely eroded sections of stream within the Goose Creek watershed, a subwatershed within the Chautauqua Lake watershed in the County of Chautauqua; and

WHEREAS, grant funds for nonagricultural nonpoint source erosion control are available for up to 75 percent of the total project costs, with applicants providing the remaining match funds of at least 25 percent of the total project costs; and

WHEREAS, County match funds will be provided by contributing 50 hours of in-kind labor, with an estimated value of \$2,500.00; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, by the Chautauqua County Legislature as follows:

1. The County Executive is the representative authorized to act on behalf of the County's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County's governing body in all matters related to the Project and to State assistance.

2. The County agrees that it will fund its match portion of the cost of the Project, and funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.
3. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. This Resolution shall take effect immediately.

Unanimously Adopted – November 20, 2013

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EMERG. RES. NO. 234-13

Dewittville Creek Streambank Stabilization/Habitat Restoration Project to be Submitted to the New York State Water Quality Improvement Project Grant Program

By Acting County Executive Stephen M. Abdella:

WHEREAS, the New York State Department of Environmental Conservation has funding available for Water Quality Improvement Projects; and

WHEREAS, Chautauqua Lake will benefit from use of grant funding for streambank stabilization and habitat restoration for a severely eroded section of stream in the Dewittville Creek watershed, a subwatershed within the Chautauqua Lake watershed in the County of Chautauqua; and

WHEREAS, grant funds for Streambank Stabilization and Habitat Restoration are available for up to 75 percent of the total project costs, with applicants providing the remaining match funds of at least 25 percent of the total project costs; and

WHEREAS, County match funds will be provided by contributing 50 hours of in-kind labor, with an estimated value of \$2,500.00; and

WHEREAS, Chautauqua County, after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project," is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law ("ECL") authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the County deems it to be in the public interest and benefit under this law to enter into a contract therewith; now therefore be it

RESOLVED, by the Chautauqua County Legislature as follows:

1. The County Executive is the representative authorized to act on behalf of the County's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the County's governing body in all matters related to the Project and to State assistance.
2. The County agrees that it will fund its match portion of the cost of the Project, and funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation.
3. One (1) certified copy of this Resolution shall be prepared and sent to the Albany office of the New York State Department of Environmental Conservation.
4. This Resolution shall take effect immediately.

Unanimously Adopted – November 20, 2013

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LOCAL LAW  
INTRODUCTORY NO. 12-13  
CHAUTAUQUA COUNTY

AUTHORIZING LEASE OF REAL PROPERTY FOR AN EXTENDED TERM  
TO CHAUTAUQUA COUNTY SOIL & WATER CONSERVATION DISTRICT

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

Section 1. Purpose. The purpose of this Local Law is to modify and supersede the lease term limitations contained in County Law Section 215 and Local Law 7-1975 for a lease of property owned by the County of Chautauqua (the "County") located at 3542 Turner Road in the Town of Ellicott, to the Chautauqua County Soil & Water Conservation District (the "District").

Section 2. Authorization. The County is hereby authorized to lease a portion of County real property located at 3542 Turner Road in the Town of Ellicott to the District, and the Chautauqua County Executive is authorized to execute said lease on behalf of the County, upon the following terms and conditions:

1. Premises. A ground lease of a parcel of land that includes an approximately 40 foot by 80 foot metal building owned by the District, and extending twenty (20) feet around the perimeter of said building, including a right-of-way to access the parcel from Turner Road and shared use of the existing parking lot for parking and storage of District equipment.
2. Use of Premises. The District shall utilize the leased premises for the benefit of the County and its residents in furtherance of the District's statutory purposes pursuant to the Soil & Water Conservation Districts Law.
3. Term. Twenty-five (25) years, with a right of renewal for an additional twenty-five (25) year period.

- 4. Rent. \$1.00 per year.
- 5. Utilities, Taxes, and Special Assessments. The cost of all utilities (including necessary connections), and any applicable real property taxes and special assessments shall be the sole responsibility of the District.
- 6. County Sale of Leased Premises. In the event of the County's sale of the leased premises, the sale will be subject to the lease authorized by this Local Law.
- 7. Other. As negotiated by the County Executive.

Section 3. Effective Date. This Local Law shall become effective forty-five (45) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with the Municipal Home Rule Law.

Adopted by Legislature: 11/20/13 R/C Vote: 21 Yes; 4 Absent  
 Public Hearing by Acting County Executive Abdella: 12/4/13 (45 Day Permissive Referendum)  
 Adopted as LL 2-14 (Effective 1/18/14)

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LOCAL LAW  
 INTRODUCTORY NO. 13-13  
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
 FOR COUNTY OFFICERS AND EMPLOYEES (re: DEPUTY DIRECTOR OF FINANCE AND  
 PURCHASING MANAGER)

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan to designate salary ranges for the modified titles of Deputy Director of Finance and Purchasing Manager.

Section 2. Salary Levels.

The titles of Deputy Director of Finance and Purchasing Manager shall be placed in Range 4 (\$43,131 - \$66,053) of the 2011 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Adopted by Legislature: 11/20/13 R/C Vote: 21 Yes; 4 Absent  
 Public Hearing Held by Acting County Executive Abdella: 12/4/13  
 Adopted as LL 7-13

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2<sup>nd</sup> Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Ahlstrom, SECONDED by Legislator Heenan and duly carried the meeting was adjourned. (8:05 p.m.)

Regular Meeting  
 Chautauqua County Legislature  
 6:30 P.M.  
 Wednesday, December 18, 2013  
 Mayville, N.Y.

Chairman Gould called the meeting to order at 6:30 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent DeJoe, Duff, James,)

Legislator Cornell delivered the prayer and pledge of allegiance.

MOVED by Legislator Barmore, SECONDED by Legislator Whitney and duly carried the minutes were approved. (11/20/13)

Privilege of the Floor

No one chose to speak at this time.

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VETO MESSAGES FROM ACTING COUNTY EXECUTIVE ABDELLA  
 NO VETOES FROM 11/20/13

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6:35 P.M.

PUBLIC HEARING

LEASE W/ CTASC AT JAMESTOWN AIRPORT

Chairman Gould opened up the public hearing at 6:35 p.m.. No one in attendance or chose to speak. Chairman Gould then closed the public hearing at 6:36 p.m.

COMMENDATIONS:

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SHERIFF DEPUTY STEVE ROMANIK  
 &  
 RAY AUSTIN  
 BY  
 LEGISLATORS BORRELLO

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OUTGOING

COUNTY EXECUTIVE  
 AND  
 COUNTY CLERK  
 BY MAJORITY & MINORITY LEADERS

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COMMUNICATIONS:

1. Letters(14) Acting County Exec. Abdella – Apptmts. to Various (11) Bds., Comm., Agencies
2. Letter – Chmn. Gould – Re: Apptmts. to County Water Agency
3. Proof of Publication for Public Hearing – Re: CSTAC Lease @ Jmst. Airport
4. Financial Overview – 2013 Summary (Jan.-Sept. 2013) – Landfill

5. Final Report –Occupancy Bed Tax Project Money–Jazz at Chaut. Institution
6. Fish & Wildlife Highlights – October 2013
7. Letter – NYS Dept. of Taxation & Finance – Ack. Receipt of Res. 164-13
8. Investment Report – Fn. Director Marsh – November 2013
9. Minutes – Chaut. County Soil & Water Conservation District - Nov. 2013
10. Letter of Necessity – Acting County Executive Abdella – Re: LL Intro. 14-13

Clerk Tampio: We also received an additional communication that I would like to read now into the record and it's a message of necessity regarding Local Law Introductory 14-13.

I hereby certify that immediate passage of Local Law Introductory 14-13 is necessary in order to timely modify the salary range of the Director of the North Chautauqua Lake Sewer District ("NCLSD") to reflect increased responsibilities for the Director resulting from an agreement between NCLSD and the Town of Chautauqua in which NCLSD shall manage and operate the sewage treatment plant of the Town's Chautauqua Heights Sewer District 2 commencing January 1, 2014.

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RES. NO. 235-13

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

By Public Facilities Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, has submitted the following re-appointment for action by the Chautauqua County Legislature; therefore be it

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

Bruce Kidder  
3680 Nutt Rd.  
Jamestown, N.Y. 14701  
Term Expires: 12/31/16

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – December 13, 2013

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RES. NO. 236-13

Confirm Re-Appointment - Chautauqua County Airport Commission

By Public Facilities Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Airport Commission.

John R. Watkins  
2381 South Hill Drive  
Jamestown, N.Y. 14701

Term Expires: 12/31/15

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – December 13, 2013

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RES. NO. 237-13  
Confirm Re-Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Ethics Board.

Russell L. Payne  
PO Box 265  
34 Frew Run St.  
Frewsburg, N.Y. 14738  
Term Expires: 1/31/17

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – December 13, 2013

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RES. NO. 238-13  
Confirm Re-Appointments – Chautauqua County Disaster Preparedness Commission

By Public Safety Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Disaster Preparedness Commission.

Norma J. Cummings  
PO Box 234  
Vanness Rd.  
Mayville, N.Y. 14757  
Term Expires: 12/31/16

Warren Riles  
PO Box 357  
39 Main St.  
Forestville, N.Y. 14062  
Term Expires: 12/31/16

Chief Harry Snellings (Replacing Barry Swanson)  
2 City View Ave  
Jamestown, NY 14701  
Term Expires: 12/31/16

Signed: Wendel, Whitney, Hemmer

Unanimously Adopted – December 13, 2013

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RES. NO. 239-13  
Confirm Re-Appointment - Chautauqua County Traffic Safety Board

By Public Safety Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Traffic Safety Board.

Lisa Schmidfrerick-Miller  
2373 Erickson Rd.  
Asheville, N.Y. 14710  
Term Expires: 1/31/17

Signed: Wendel, Whitney, Hemmer

Unanimously Adopted – December 13, 2013

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RES. NO. 240-13  
Confirm Appointment and Re-Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive, Stephen M. Abdella, has submitted the following appointment and re-appointments to the Chautauqua County Legislature for action; now therefore be it

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

1<sup>st</sup> Battalion

John Burke  
Alternate  
7337 Bowen Rd.  
Stockton, N.Y. 14784  
Term Expires: 1/31/15

Bruce H. Hagmier  
10056 Prospect Rd.  
Forestville, N.Y. 14062  
Term Expires: 1/31/15

Brian R. Puro  
2<sup>nd</sup> Vice Chair  
3681 New Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 1/31/15

2<sup>nd</sup> Battalion:

Alan J. Akin  
PO Box 1  
5984 Manor Dr.  
Chautauqua, N.Y. 14722  
Term Expires: 1/31/15

Scott Cummings  
PO Box 234  
7084 Vanness Rd.  
Mayville, N.Y. 14757  
Term Expires: 1/31/15

Mathew Oehlbeck  
PO Box 352  
159 Park St.  
Sherman, N.Y. 14781  
Term Expires: 1/31/15

3<sup>rd</sup> Battalion:

Chet Harvey  
Alternate  
200 Spring St.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Ronald V. Johnson  
1265 Norby Rd  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Jackson W. Knowlton  
Chairman  
2141 Shadyside Rd.  
Lakewood, N.Y. 14750  
Term Expires: 1/31/15

Samuel Salemm  
217 Dearing Ave.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Randall Shampoe Jr.  
PO Box 173  
690 Clymer-Sherman Rd.  
Clymer, N.Y. 14724  
Term Expires: 1/31/15

4<sup>th</sup> Battalion:

Thomas C. Fairbanks  
4722 Rt. 60  
Gerry, N.Y. 14740  
Term Expires: 1/31/15

Ryan Walker  
Alternate  
4997 Main St.  
Bemus Point, N.Y. 14712  
Term Expires: 1/31/15

New Appointment

Lloyd K. Johnson, Jr.  
PO Box 352  
752 N. Park. St.  
Ellington, N.Y. 14732  
Term Expires: 1/31/15

Ex-Officios:

Gloria Burke  
Secretary  
7337 Bowen Rd.  
Stockton, N.Y. 14784  
Term Expires: 1/31/15

Anthony Cavallaro  
2<sup>nd</sup> Battalion Deputy  
201 E. Main St.  
Falconer, N.Y. 14733  
Term Expires: 1/31/15

Anthony D. Faso  
1<sup>st</sup> Battalion Coordinator  
194 Liberty St.  
Fredonia, N.Y. 14063  
Term Expires: 1/31/15

Ex-Officios cont'd.

Michael Gleason  
3<sup>rd</sup> Battalion Coordinator  
6524 Eiden Rd.  
Mayville, N.Y. 14757  
Term Expires: 1/31/15

John C. Griffith  
4<sup>th</sup> Battalion Coordinator  
3659 Dean School Rd.  
Falconer, N.Y. 14733  
Term Expires: 1/31/15

Lance N. Hedlund  
E-911  
14 Dunn Ave.  
Jamestown, N.Y. 14701  
Term Expires: 1/31/15

Daniel T. Imfeld  
Hazmat Coordinator Rep.  
3944 Hillview Dr.  
Lakewood, N.Y. 14750  
Term Expires: 1/31/15

Steven E. McAninch  
911 Dispatcher  
24 Elm St.  
Mayville, N.Y. 14757  
Term Expires: 1/31/15

Signed: Wendel, Whitney, Hemmer

Unanimously Adopted – December 13, 2013

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RES. NO. 241-13

Confirm Re-Appointments - Chautauqua County Aging Advisory Board

By Human Services Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Aging Advisory Council.

Dan Girts  
4911 Baker St. Ext.  
Lot 24  
Ashville, N.Y. 14701  
Term Expires: 12/31/16

Jeanine Smith  
140 Chautauqua St.  
Fredonia, N.Y. 14063  
Term Expires: 12/31/16

Signed: Tarbrake, Hoyer, Hemmer

Unanimously Adopted – December 13, 2013

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RES. NO. 242-13  
Confirm Re-Appointments – Chautauqua County Youth Board

By Human Services Committee:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Youth Board.

Nitasha Gruber  
6467 Barns Rd.  
Mayville, N.Y. 14757  
Term Expires: 12/31/15

Filing Term of Miranda Warner as Youth

Raymond Rushboldt  
3719 Middle Rd.  
Dunkirk, N.Y. 14048  
Term Expires: 12/31/16

Leah Marsala Chase  
8 South Gale Street  
Westfield, NY 14787  
Term Expires: 12/31/16

Signed: Tarbrake, Hoyer, Hemmer

Unanimously Adopted – December 13, 2013

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RES. NO. 243-13  
Confirm Re-Appointments – Conewango Watershed Commission

By Legislator Fred Croscut:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Conewango Watershed Commission.

Robert M. Carpenter  
 1074 28<sup>th</sup> Creek Rd.  
 Kennedy, N.Y. 1 4747  
 Term Expires: 12/31/16

Herbert Nobles  
 7690 Rt. 83  
 South Dayton, N.Y. 14138  
 Term Expires: 12/31/16

Robert Stewart  
 6176 Crestview Dr.  
 Cherry Creek, N.Y. 14723  
 Term Expires: 12/31/16

Signed: Croscut

Unanimously Adopted – December 13, 2013

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RES. NO. 244-13  
 Confirm Re-Appointment - Chautauqua County Environmental Management Council

By Legislator Fred Croscut:  
 At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Environmental Management Council:

John Jablonski III  
 213 Spruce Street  
 Lakewood, N.Y. 14750  
 Term Expires: 12/31/16  
 Signed: Croscut

Unanimously Adopted – December 13, 2013

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RES. NO. 245-13  
 Confirm Re-Appointment - Chautauqua County Planning Board

By Legislator Fred Croscut:  
 At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Acting County Executive Stephen M. Abdella, 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 Planning Board:

Douglas Bowen  
 5811 Welch Hill Rd.  
 Ripley, N.Y. 14755  
 Term Expires: 12/31/16  
 Signed: Croscut

Theodore Bogdan  
 57 Parkdale Drive  
 Jamestown, NY 14701  
 Term Expires: 12/31/16

Unanimously Adopted – December 13, 2013

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RES. NO. 246-13  
Amending Resolution 211-13 to Add Additional Member to County Water Agency

By Public Facilities Committee:

At the Request of Acting County Executive Stephen M. Abdella and Legislator Vince Horrigan:

WHEREAS, pursuant to Resolution 211-13, the Chautauqua County Legislature established a County Water Agency pursuant to Article 5-A of New York State County Law to evaluate water supply needs in northern Chautauqua County, prepare maps and plans, and recommend to the County Legislature the creation of County water district(s) as may be necessary in the best interest of the people of Chautauqua County; and

WHEREAS, it would be appropriate to further modify the composition of the membership of the County Water Agency; therefore be it

RESOLVED, That the Chautauqua County Water Agency established pursuant to Resolution 211-13 is hereby amended to add an additional member as follows, with the membership of said agency thereby raised from twelve (12) members to thirteen (13) members:

1. Three (3) County Legislators appointed by the Chairman of the County Legislature;
2. ~~Nine (9) Eight (8)~~ Nine (9) elected officials ~~representing the municipalities proposed to be included in Phase I of the proposed regional water supply program,~~ to include the Mayors of the City of Dunkirk and the Villages of Brocton, Fredonia, and Silver Creek, and the Supervisors of the Towns of Dunkirk, Hanover, Pomfret, Portland, and Sheridan, and their successors in office; and
3. One (1) Member appointed by the Common Council of the City of Dunkirk;

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart

Unanimously Adopted – December 18, 2013

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RES. NO. 247-13  
Authorize Adjustment of Accounts for NCLSD

At the Request of Acting County Executive Stephen M. Abdella, Public Facilities Committee and Audit & Control Committee:

WHEREAS, pursuant to Resolution 354-78, the Chautauqua County Legislature authorized the Board of Directors of the North Chautauqua Lake Sewer District (NCLSD) to enter into all necessary contracts with municipal corporations and other entities; and

WHEREAS, the NCLSD Board has authorized an agreement with the Town of Chautauqua for NCLSD to provide management and operation staff services for the Town's Chautauqua Heights Sewer District 2 commencing January 1, 2014; therefore be it

RESOLVED, That the Director of Finance is authorized and empowered to make the following changes to the 2014 budget of NCLSD:

**Strikethrough Indicates Deletion – Underlined Indicates New Language**

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services – NCLSD Administration	\$ 6,856
ESN.8110.8112.8	Employee Benefits – NCLSD Administration	2,675
ESN.8130.8132.1	Personal Services – NCLSD Sewage Treatment	8,495
ESN.8130.8132.8	Employee Benefits – NCLSD Sewage Treatment	<u>7,795</u>
		\$25,821

ESTABLISH & INCREASE REVENUE ACCOUNTS:

ESN.8110.8112.R237.4000	Charges: Sewer – Other Government	\$ 9,531
ESN.8130.8132.R237.4000	Charges: Sewer – Other Government	<u>16,290</u>
		\$25,821

Signed: Himelein, Stewart, DeJoe, Erlandson, Horrigan, Runkle, Borrello, Nazzaro, Heenan

Unanimously Adopted – December 18, 2013

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RES. NO. 248-13

Authorize Lease with CTASC at Chautauqua County Airport in Jamestown

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Chautauqua Tobacco Asset Securitization Corporation (CTASC) was incorporated by County officials in 2000 for the securitization of the County's share of revenues from the settlement agreement arising from New York State's litigation with tobacco manufacturers; and

WHEREAS, CTASC is required to have an actual physical office location designated as its corporate headquarters, and the County Airport has vacant space available for such purpose that would allow the County to generate lease revenue; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into a lease agreement with CTASC for the location of its corporate headquarters at the County Airport on substantially the following terms and conditions:

1. Premises: Approximately 800 square feet designated by DPF Director.
1. Rent: \$8500.00 per year (previously \$8000 per year under prior lease).
2. Term: Commencing January 1, 2014 and ending on December 31, 2016.
3. Utilities: Provided by the County.
4. Other: As negotiated by the County Executive.

Signed: Himelein, Horrigan, Erlandson, Runkle, Nazzaro

Unanimously Adopted – December 18, 2013

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RES. NO. 249-13

Adjust Capital Appropriations CHIPS Funding

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the County's transportation system, which includes roads and bridges, is essential to everyone and contributes to economic development, job creation and quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the New York State Department of Transportation has made \$624,442 in additional funds available for capital improvements; and

WHEREAS, Resolution 153-13 appropriated \$329,845 of these additional funds toward the purchase of a paver; and

WHEREAS, the balance will be used for highway projects; therefore be it

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

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

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4	Contractual – Highway Improvements	\$294,597
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INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.R350.1000	NYS Aid – CHIPS, Capital Improvements	\$294,597
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Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – December 18, 2013

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RES. NO. 250-13

Authorizing the Implementation and Funding of the Remaining Phases of PIN 5758.42

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, a Project for the Replacement of the County Bridge 941 over Clear Creek, BIN 3324550 in the Town of Ellington, Chautauqua County PIN 5758.42 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the Preliminary Engineering, Right of Way (Incidentals & Acquisition) and Construction and Construction Inspection Phases, estimated to be \$2,248,070 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-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the project PIN 5758.42; and

WHEREAS, County Resolution 132-10 adopted June 23, 2010 approved funding of the Preliminary Engineering (I-VI Design) and Right of Way Incidentals phases of project PIN 5758.42 then estimated to be \$361,000, and

WHEREAS, the non-Federal Funds for the Preliminary Engineering, Right of Way (Incidentals & Acquisition) along with the Construction and Construction Inspection Phases

Construction Phases, is now estimated to total \$449,614 to be borne at the ratio of 75% State and 25% County,

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-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases of the Project or portions thereof; and it is further

RESOLVED, That the additional sum of \$1,887,070 is hereby appropriated from D.5112.390 and is made available to cover the cost of participation in the Right of Way Acquisition, Construction & Construction Inspection phases of the project PIN 5758.42; and it is further

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the project's Preliminary Engineering (Design I-IV) Right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds the amount appropriated, and/or 100% of the full federal and Non-Federal shares of the cost of the Preliminary Engineering (Design I-IV) right-of-Way (Incidentals & Acquisition) and Construction & Construction Inspection phases exceeds \$2,248,070 the project's total cost, 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 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 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 Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A-----878.0000 Fund Balance, Reserved Fund Balance – Rsrv. for Capital      \$94,354

and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.9901.9000.9      Interfund Transfers – Trans Co Road Suppl (A-D)      \$ 94,353

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual – County Bridge Program	\$1,887,070
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid: Surface Transp Program	\$1,509,656
D.5112.390.R358.9003	New York State Aid: Marchiselli Program	\$ 283,061
D.5112.390.R503.1000	Interfund Transfer: Interfund Transfers	<u>\$ 94,353</u>
		\$1,887,070

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Nazzaro, Borrello, Heenan

Unanimously Adopted – December 18, 2013

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RES. NO. 251-13

Authorizing Extension of Tax Collection Agreements with the Cities of Dunkirk and Jamestown

By Administrative Services Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, pursuant to Resolutions 95-12 and 96-12, the County continued tax collection agreements with the cities of Dunkirk and Jamestown providing that collection and enforcement of real property taxes for the cities and school districts within the City would be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the City, including the guarantee of all such taxes; and

WHEREAS, it would be appropriate to extend such agreements with the cities of Dunkirk and Jamestown under substantially the same terms and conditions for a period of three (3) years; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an extension of the joint tax collection agreements with the cities of Dunkirk and Jamestown for a three (3) year term covering the 2014, 2015, and 2016 tax levies.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – December 18, 2013

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RES. NO. 252-13

Authorizing Purchase of Surplus and Second-Hand Supplies, Material, and Equipment from Governmental Entities

By Administrative Services Committee:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, pursuant to Section 103(6) of New York State Municipal Law, counties are authorized to purchase, without competitive bidding or competitive offering, surplus and second-hand supplies, material, and equipment from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation; and

WHEREAS, pursuant to Section 3.02(h) of the Chautauqua County Charter, the County Legislature may authorize the County Executive (and his/her designee) to enter into classes of agreements with other governmental entities; and

WHEREAS, from time-to-time the purchase of surplus and second-hand items from other governmental entities is in the best interest of the County; therefore be it

RESOLVED, That the County Executive (and his/her designee) is authorized and empowered to purchase, within budget appropriations and without competitive bidding or competitive offering, surplus and second-hand supplies, material, and equipment from the federal government, the state of New York or from any other political subdivision, district or public benefit corporation.

Signed: Scudder, Tarbrake, Barmore, DeJoy, Cornell

Unanimously Adopted – December 18, 2013

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RES. NO. 253-13

Pre Disaster Mitigation Competitive Grant FY2012 Allocations for 2013 Budget

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, Chautauqua County through the efforts of the Office of Emergency Services will receive a sub-grant award from NYS Division of Homeland Security & Emergency Services(DHSES) and the Federal Emergency Management Agency(FEMA) for the updating and implementation of our Multi-Jurisdictional Multi-Hazard Mitigation Plan; and

WHEREAS, funding has been made available in an amount not to exceed the total project cost of \$58,250; with a Federal share of \$43,687.50 and a required 25% non-Federal matching share of \$14,562.50; and

WHEREAS, the non-Federal Share can be funded within the existing budget; and

WHEREAS, a September 3, 2014 project completion deadline has been established; and

WHEREAS, the County Executive was authorized to sign and execute all necessary agreements to accept the award with Resolution 212-12; now therefore be it

RESOLVED, That the Director of Finance is authorized and direct to make the following changes to the 2013 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$35,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.3010.----R430.5008	Federal Aid: FEMA-Pre-Disaster Mitigation	\$35,000
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Signed: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 254-13

State Homeland Security Program for Fiscal Year 2013

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Office of Emergency Services was awarded funds of \$150,000 from the FY2013 State Homeland Security Program (SHSP); and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area thru projects and initiatives that comply with the Federal grant guidelines and supports the implementation of the State Homeland Security Strategy; and

WHEREAS, the grant period runs from September 1, 2013 through August 31, 2015, and as may be extended; and

WHEREAS, funds will be added to the 2014 and 2015 budget in subsequent resolutions once the County is ready to expend them; now therefore be it

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

Signed: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello

Unanimously Adopted – December 18, 2013

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RES. NO. 255-13

Review and Appropriations Adjustments for 2013 Budget

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Office of Emergency Services HazMat division responded to two tractor trailer accidents resulting in diesel fuel spills earlier this year; and

WHEREAS, the County of Chautauqua was reimbursed by insurance carriers for the trucking companies involved for supplies and equipment used in the clean-up; and

WHEREAS, the unused funds from said reimbursement is requested to be moved into the Capital budget and applied to the purchase of the used Fire Police vehicle as was established in Resolution 46-13; and

WHEREAS, the sale at auction of CF-5 and salvage funds received from the old Fire Police vehicle need to be placed in the 2013 Capital Vehicle Account; and

WHEREAS, unused funds from the Emergency Service department will offset the remaining cost to replace the Fire Police vehicle; therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2013 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.3010.----.4	Contractual – Emergency Services	\$ 3,585
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INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.4	Contractual – Emergency Services	\$ 6,330
A.9950 ----.9	Interfund Transfers - Transfer to Capital	\$ 5,703

INCREASE REVENUE ACCOUNT:

A.3640.R268.0000	Insurance Recoveries – HazMat	\$ 8,448
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INCREASE CAPITAL EXPENSE ACCOUNT:

H.3997.999.4	Contractual – EMS Vehicle Replacement	\$23,160
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R266.5000	Sale of Property/Compensa - Sale of Equipment	\$17,457
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INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R503.1000	Interfund Transfer – Interfund Transfers	\$ 5,703
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Signed: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 256-13

Authorize Agreement with Town of Ripley for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Town of Ripley has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2014 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2014 through December 31, 2014 for an estimated cost not to exceed \$30,000.00 based on an hourly rate of \$37.28; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered 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: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 257-13

Authorize Agreement with Town of Hanover for Enhanced Police Services

By Public Safety and Audit & Control Committees:

At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Town of Hanover has requested the Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2014 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Hanover for the period of January 1, 2014 through December 31, 2014 for a cost not to exceed \$339,688.00; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered 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: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 258-13

Authorize Agreement with Silver Creek Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the Silver Creek Central School District has requested the Office of the Sheriff provide a part-time School Resource Officer for the remainder of the 2013-2014 school year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Silver Creek School District to provide a certified School Resource Officer for the remainder of the 2013-2014 school year at a rate of \$27.64 per hour; and

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

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Silver Creek Central School District for the purpose of providing a School Resource Officer for the remaining 2013-2014 school year as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 259-13

Authorize Agreement with New York State Unified Court System Eighth Judicial District for Court Security

By Public Safety and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, New York State Unified Court System Eighth Judicial District has requested the Chautauqua County Office of the Sheriff provide court security services during New York State's 2013-2014 fiscal year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with New York State Unified Court System Eighth Judicial District for the period of April 1, 2013 through March 31, 2014, with total payments made by the Unified Court System to the County not to exceed \$671,371.00; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with New York State Unified Court System Eighth Judicial District for court security services as set forth above with revenues to be credited to account A.1162.1110.R333.0000.

Signed: Wendel, Whitney, Hemmer, Runkle, Nazzaro, DeJoe, Borrello, Heenan, Himelein

Unanimously Adopted – December 18, 2013

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RES. NO. 260-13

Issuing SEQRA Negative Declaration for Construction of Chautauqua County Department of Public Facilities Replacement Maintenance Facility

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

WHEREAS, the County proposes to construct a Department of Public Facilities (“DPF”) maintenance facility to replace its existing DPF maintenance facility at the DPF’s current location on North Work Street in the Village of Falconer (the “Action”); and

WHEREAS, the proposed Action is an “Unlisted” action under the State Environmental Quality Review Act (Article 8 of the New York Environmental Conservation Law and its implementing regulations found at 6 N.Y.C.R.R. Part 617) (“SEQRA”); and

WHEREAS, although not required as an Unlisted action, the County undertook the following: (i) a Full Environmental Assessment Form (“EAF”) was completed, (ii) a coordinated review was undertaken with other Involved Agencies assenting to the County as the Lead Agency for the SEQRA review, (iii) the Town of Ellicott and the Village of Falconer, as Interested Agencies, were provided courtesy copies of the Full EAF and an opportunity to comment, and (iv) a public information meeting was held to present information on the proposed replacement maintenance facility; and

WHEREAS, pursuant to Resolution 214-13, the County was confirmed as the Lead Agency responsible for SEQRA review of the proposed Action; and

WHEREAS, the County has duly considered the Action, the Full Environmental Assessment Form, the criteria for determining whether the Action will have a significant adverse impact on the environment as set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, and such other information deemed appropriate; and

WHEREAS, the County has identified the relevant areas of environmental concern, taken a hard look at these areas, and made a reasoned elaboration of the basis for its determination; now therefore be it

RESOLVED, by the Chautauqua County Legislature that:

1. The Action will not result in any large and important impacts and will not have a significant adverse impact on the environment, and, therefore, an environmental impact statement need not be prepared.
2. The attached Negative Declaration dated December 18, 2013, and incorporated herein by reference, is issued and adopted for the reasons stated in the attached Negative Declaration.

3. The Acting County Executive is authorized to sign and file or have filed on behalf of the County all documents necessary to comply with SEQRA.

4. This resolution is effective immediately.

Signed: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Nazzaro, Borrello, Heenan

Adopted w/ Legislator Rogers voting "no" – December 18, 2013

RES. NO. 261-13

A Resolution Authorizing the Issuance of \$4,000,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of a Public Facilities Maintenance Facility in and for Said County

By Public Facilities and Audit & Control Committees:  
At the Request of Acting County Executive Stephen M. Abdella:

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; now therefore

BE IT RESOLVED, by 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 design and construction of a public facilities maintenance facility to be located in the Village of Falconer, in and for the County of Chautauqua, New York, including furnishings, equipment, machinery and apparatus, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$4,000,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$4,000,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

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 11 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 irrevocable 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.

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 supersedes Resolution 145-13 of the County Legislature of the County of Chautauqua.

Section 10. 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: Himelein, Horrigan, DeJoe, Erlandson, Stewart, Runkle, Nazzaro, Borrello, Heenan

Adopted - R/C Vote: 19 Yes; 3 No; 3 Absent – (No's: Ahlstrom, Coughlin, Rogers) – December 18, 2013

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LOCAL LAW  
INTRODUCTORY NO. 14-13  
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN  
FOR COUNTY OFFICERS AND EMPLOYEES (re: DIRECTOR OF NORTH CHAUTAUQUA LAKE  
SEWER DISTRICT

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

Section 1. Purpose.

The purpose of this Local Law is to amend the Management Salary Plan to modify the salary range of the Director of the North Chautauqua Lake Sewer District ("NCLSD") to reflect increased responsibilities for the Director resulting from an agreement between NCLSD and the Town of Chautauqua in which NCLSD shall manage and operate the sewage treatment plant of the Town's Chautauqua Heights Sewer District 2 commencing January 1, 2014. The current range for the position is \$49,071 to \$62,566.

Section 2. Salary Level.

Effective January 1, 2014, the non-scheduled salary range of the Director of the NCLSD shall be \$49,071 to \$67,198.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Letter of Necessity in Effect: 12/18/13  
 Adopted by Legislature: 12/18/13 R/C Vote: 22 Yes; 3 Absent  
 Public Hearing by County Executive: 1/2/14  
 Adopted as LL 1-14

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2<sup>nd</sup> Privilege of the Floor

My name is Bonnie Peters, 8237 Glassglow Road, Cassadaga, NY. I am President of CSEA Local 807 Chautauqua County and Executive Vice President of CSEA Unit 6300 Chautauqua County. Many of you over the last many, many years have seen me carry this binder around. On the front of this binder is from the newspaper the day before the last, prior to this term, County Executive race where the then candidate and current at that point County Executive said that only a desperate politician would try and scare Seniors, their families, and my co-workers just to try and get a vote. I would like to thank all of you for helping him to keep his campaign promise at that point and time by keeping our County Home, County ran. Thank you very much and I would also like to say for some of you this will be the last time that I will see you at least for now, in this capacity. Thank you very much for everything that you have done for the people of Chautauqua County. We and I appreciate you and have a Merry Christmas and a Happy New Year. Thank you.

Mr. Ben Haskins, 1982 Peck Settlement Road, Jamestown, N.Y. Just want to wish you all a Merry Christmas.

Chairman Gould: Anybody else to speak to the 2<sup>nd</sup> privilege of the floor?

MOVED by Legislator Croscut, SECONDED by Legislator Ahlstrom and duly carried the meeting was adjourned. (7:19 p.m)

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2013, do hereby certify that we have caused to be compared the foregoing proceedings of the Chautauqua County Legislature with original papers on file in my office and that they are in true and exact copy of the same.

**THE 2013 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED  
IN THE LEGISLATURE'S CLERK OFFICE**

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19. Letters (13) – County Executive - Apptmts. to Various Bds & Commissions
20. Annual Report – Finance – Re: Aaron Putnam Fund for the Blind
21. Letter – Chmn. Gould/Minority Leader – Apptmt. of Financial Analyst/Deas
22. Report – Finance Director - December 2012 Investment Report
23. Memos/Contract – County Attorney Abdella – Sale of County Home
24. Memo – NYS Dept. of Taxation & Fn. – Re: 2013 County Apportionment
25. Email – NYSAC – Summary of New Gun Control Law
26. Letter – CCIDA – Re: Clarification of PILOT to Altitude Health Systems
27. Letter – Water Quality Task Force – Re: Practices for Treating & Disposing of Wastewater Associated w/ Drilling for Natural Gas
28. Letter – Dept. of Health & Human Servs./Office of Inspector General – Re: Federal Audit
29. Highlights – NYS Fish, Wildlife, & Marine Resources – Oct./Nov. 2012
30. Letter – NYS Dept. of Enviro. Conservation – Re: Dissolving of Region 9 Forest Practice Board
31. Letter – NYS Sheriffs' Assn. – Re: Jail Inmate Phone Service
32. Letter – Labella – Re: 2012-2013 Local Gov't. Efficiency Grant Prgm.
33. Res. – Tioga County Legislature – Re: Compensate for State Mandated District Attorney's Salaries
34. Report – 2012 Weights & Measures Annual Report

**February 27, 2013**

22. Letters (4) – County Executive - Appts. & Re-Appts. – Community Services Bd.; Sports Fishery Advisory Bd.; Emerg. Medical Servs. Council; Fire Advisory Bd.
23. Memo – Co. Atty. Abdella – Re: Proposed LL Intro. 1-13 – Amending 7-75 (Mailed 2/11/13)
24. Letter – Co. Atty. Abdella – Re: Disclosure of Interest and Recusal
25. Lake Erie Concord Grape Belt – Re: Meeting date and time
26. Letter – Fessenden Laumer & DeAngelo – Re: Town of Ellery Proposed LL 2-13
27. Letter – Atty. Gregory Yaw – Re: PPD Sewer District: User Charge Hearing
28. Letters (2) Town of North Harmony – Re: Res. 18-13, Support for NYS Contact Info. For Vacant Structures & Support for Sale of Chaut. Co. Home
29. Highlights – Region 9 – Fish & Wildlife – Nov./Dec. 2012
30. Letter – Orchard Court Partnership Healthcare – Re: Acquisition of Senior Care Facilities Prices Remain Strong
31. County of Fulton – Res. – Urging Congress to Amend the Federal Property & Administrative Services Act of 1949 Regarding Purchases of Processional Services
32. NYS Dept. of State – Ack. Receipt of LL 1-13 (Reapportionment)
33. E-Mail to Clerk Tampio – From: NYSAC – Re: County Impact Summary of Governor Cuomo's Proposed 2013-2014 Budget
34. Email – M. Ebling – Re: Supports SAFE ACT Motion
35. Email – J. Whitmire – Re: Supports SAFE ACT Motion
36. Email – Mayor A.J. Dolce – Dnk. – Re: LL Intro. 1-13
37. Report – Fn. Dir. Marsh – Investment Report for January/2013

38. Letter – JCC – Invite to President's Roundtable
39. Letter – Lancaster County Bd. of Commissioners – Re: Sale of Nursing Home to Avi Rothner
40. Email – Minda Rae Amiran – Re: County Home Sale to Altitude/Rothner
41. NYSAC – Res. Adopted at the 2013 NYSAC Legislative Conference
42. 2013 Chautauqua County Budget

**March 27, 2013**

14. Letter – County Exec. – Re: Apptmt. to Chaut. County Fire Advisory Bd.
15. Report – Fin. Director Marsh – Re: February 2013 Investment Report
16. Dashboard Report – Fin. Dir. Marsh – 2012 Electric Plant Production
17. Email – From NYSAC – Re: Home Rule Authority for Sales Tax Increase
18. Proof of Publication – Re: Public Hearing Notice – Lse. at Jmst. Airport, Hertz Rent-A-Car
19. Petition (71 signatures) Re: Ban on High Volume Hydraulic Fracturing of Natural Gas
20. Fort Orange Press – Re: Printing of Optical Scan Ballots
21. LaBella Company – Re: Preparing for 2013 Grants
22. NYS Fish, Wildlife & Marine – Monthly Highlights 12/2012 to 1/2013
23. Letter – Assemblyman Giglio – Re: Ack. Receipt of Motion 2 & 3-13
24. Letter – Senator Young – Re: Naming of Rt. 394 Bridge/T. of N. Harmony
25. Letter – Senator Young – Ack. Receipt of Res. 27-13
26. NYSAC – Re: Ack. Receipt of Motions 2 & 3-13

**April 24, 2013**

10. Report – Fn. Director Marsh – March 2013 Investment Report
11. Letter – JCC President DeCinque – Re: Invite to President's Roundtable
12. Letters(2) – Senator Young – Re: Ack. Receipt of Motions 2 & 3
13. The CHRIC Report
14. Fish & Wildlife Monthly Highlights/February 2013
15. NYS Public Service Commission – Re: Modifying Electric Safety Standards
16. Drug Free Schools Coalition of NY – Re: Opposing Medicinal Marijuana
17. Acknowledgement – NYS Dept. of State – Ack. Receipt of LL 2-13
18. Financial Statements – 2012 - CCIDA

**May 22, 2013**

13. Proof of Publication – Public Hearing Notice – Re: LL Intro. 4-13
14. Letters (5) – County Executive – Re: Appts. to Sports Fishery; STOP DWI; STW Regional Planning & Development; IDA; Emerg. Medical Services
15. Letter – PD – Re: Timely Submission of Assigned Council Vouchers
16. Minutes – Fire Advisory Board
17. Letter – JCC President DeCinque – President's Round table
18. Letter – Dnk. Historical Lghthse. – Re: Dedicated Funding from Chaut. Co.
19. Letter – Chaut. Watershed Conservancy-Re: Appt. to CLMC
20. Letter – Senator Young – Re: Ack. Receipt of Motion 4-13
21. Letter – Niagara County – Re: Res. NY-SAFE ACT
22. Highlights – NYS Fish & Wildlife – March 2013

- 23. Letter – NYSAC – Ack. Receipt of Motion 5-13
- 24. Letter – Senator Young – Re: Home Rule Forms for Res. 27-13 & 81-13

**June 26, 2013**

- 15. Letters (2) – C. Exec. – Re: Appointments to STOP DWI & COI
- 16. Report – Clerk Tampio – Re: Annual Training & Conference for the Association of Clerks of County Legislative Boards
- 17. Email – Clerk Tampio – Re: Bed Tax Legislation Response from Assemblyman Goodell
- 18. Reports – Finance Dir. Marsh – Re: Investment (April/May 2013)
- 19. Report – Budget Dir. Crow – Re: Quarterly Dashboard
- 20. Report – Budget Dir. Crow – Re: Monthly Budget Performance – May/2013
- 21. Letter – United Arts Council – Re: Thanking for Continued Support from Bed Tax Monies
- 22. Email – Soil & Water Conservancy District – Minutes – May/2013
- 23. Highlights – NYS Fish & Wildlife – April/2013
- 24. Letter – NYS Comptroller – Re: Initiated Audit for Inmate Hospital Costs & Paying Appropriate Rates for Services Provided
- 25. Res.(2) Fulton County – Opposing New Unfunded Mandates to Require Early Voting in NYS & Urging Gov. Cuomo & State Leg. to Exempt Firearm Permit Records from Foil Disclosure
- 26. State Education Department – Re: Fiscal Audit Guidelines & Requirements
- 27. NYSAC – Re: Class Action Law Suit Against Online Companies who Engage in Circumventing Local Hotel/Motel Taxes
- 28. Labella Assoc. – Re: NYS Consolidated Funding Application Information

**July 24, 2013**

- 26. Letters (2) – Co. Exec. – Re-Appts. – STOP DWI Advisory Board
- 27. Letters (2) – Co. Exec. – Re-Appts. – Traffic Safety Board
- 28. Proof of Publication – Re: Public Hearing – Silver Airways/Jmst. Airport
- 29. Report – Fn. Dir. Marsh – Investment Report – June 2013
- 30. Chaut. County Home Income Statement Through 6/30/13
- 31. Res. – V/ Brocton – Re: Supporting the N. County Regional Water District
- 32. Res. – T/Dunkirk – Re: Supporting the N. County Regional Water District
- 33. Res. – V/Forestville – Re: Supporting the N. County Regional Water District
- 34. Res. – T/Hanover – Re: Supporting the N. County Regional Water District
- 35. Res. – T/Pomfret – Re: Supporting the N. County Regional Water District
- 36. Res. – T/Portland – Re: Supporting the N. County Regional Water District
- 37. Res. – T/Sheridan – Re: Supporting the N. County Regional Water District
- 38. Res. – V/Silver Creek – Re: Supporting N. County Regional Water District
- 39. Letter – Atty. Yaw – Re: N. Chaut. Lake Sewer Dist: User Charge Hearing
- 40. Letter – C/Dunkirk – Re: Seeking Assistance for Dredging and Removal of Weeds in Dunkirk Harbor (Emailed to all Legislators)
- 41. Letter – Chaut. Lake Partnership – Re-Appt. of Member to the CLMC
- 42. Agenda & Minutes – STW Regional Planning & Development Board
- 43. Report – NYS Small Business Development Center – 1/1/2013-3/31/13
- 44. Minutes – Chaut. Co. Soil & Water Conservation District – June 2013
- 45. Minutes – Fire Advisory Board – May 2013

46. Letter – Scandinavian Folk Festival – Thanking for Support thru Bed Tax Allocations
47. Letter – Lake Effect Trail Breakers – Requesting Letter of Support for Grant Application for New Groomer
48. Letter – NYS Dept. of State – Ack. Receipt of LL 3-13
49. 2014 Capital Budget & 2015-2019 Capital Plan (In boxes)
50. Cost Allocation Plan

#### **August 28, 2013**

13. Invitation to Dr. DeCinque's Retirement Receptions
14. Letters (3) – Co. Exec. Appts. to Traffic Safety Bd.; (2) Fire Advisory Bd.
15. Letter – Co. Executive – Re: Amendment to Chaut. Co. Administrative Code
16. Report – Fn. Dir. Marsh – July 2013 Investment Report
17. Letter – Wm. Geary, President of Health Bd. – Re: N. County Municipal Regional Water System
18. Letter – J. Josephson – Re: County Home Sale
19. Minutes – Chaut. Co. Fire Advisory Bd. – June/2013
20. Letter – Orrick Bond Council – Re: Ack. Receipt of Public Facilities Maintenance Facility Resolution
21. Letter – Assemblyman Goodell - Re: Renaming of Rt. 394 Bridge over Interstate 86 the "John Stow Vietnam Veterans & MIA Memorial Bridge"
22. NYS Dept. of Taxation and Finance – Re: (2) 2013 State Equalization Rates
23. Letters (2) w/ Report – Buffamante Whipple Buttafaro, PC – Re: Chaut. County Audit
24. Quarterly Report – Small Business Development Center – 4/1-6/30/13

#### **September 25, 2013**

14. Proof of Publication – (2) Airport Public Hearing (Jmst./Dnk)
15. Letters (2) – County Exec. – Re: Appt. Sports Fishery Advisory/STOP DWI
16. Report – Fn. Director Marsh – Re: August Investment Report – 2013
17. Report – Budget Dir. Crow – Monthly Budget Performance Report-8/13
18. Report – Budget Dir. Crow – Qrtly. Dashboard Report – Ending 6/30/13
19. Letter – VestraCare – Re: Purchase Offer for County Home
20. Letter – Orchard Court Partnership Healthcare Re: Acquisition of Senior Care Facilities
21. Highlights – NYS Fish & Wildlife – June 2013
22. NYS Dept. of State – Ack. Receipt of LL 4-13
23. NYS Dept. of Taxation & Fn. – 2013 State Equalization Rates
24. Letter – Senator Young to Stow Family – Re: Bridge Dedication for PFC Stow & Other Honored Vietnam Veterans & Service Members
25. Letter – Southern Tier Builders – Re: Tabled Res. 163-13
26. Letter – Chaut. County Chamber of Commerce – Re: Tabled Res. 163-13

#### **October 23, 2013**

17. Invite to Recognition Event at JCC
18. Report – Fn. Dir. Marsh – September -2013 – Investment Report
19. Special Meeting Notice for 10/9/13 – Chaut. County Legislature
20. Memo from Cty. Atty. – Re: Proposed Sale of CCH
21. Letter – Cty. Atty. – Re: Fact Finder's Report – Chaut. Co. & CSEA

22. Minutes – Chaut. Co. Soil & Water Conservation District – 8 & 9/2013
23. Letter – Chaut. Watershed Conservancy – Re: Algal Bloom on Chaut. Lake
24. Res. – Niagara County – Re: Est. Residency Requirement to Receive Welfare Benefits
25. Letter – Kinder Morgan – Re: Niagara Expansion Project – Upgrade of Existing Pipeline System
26. Letter – NYS Dept. of Agriculture – Re: Upcoming Review of Ag. District 8
27. NYS Dept. of Finance – 2013 County Equalization Rates
28. NYS Depart. of State – Ack. Receipt of LL 5-13 – Ethics Law
29. NYS Comptroller – Ack. Receipt of Res. 164-13
30. Proof of Publication for Public Hearing on 2014 Tentative Budget.
31. NYSAC – 2013 Fall Seminar Resolutions
32. 2014 Chautauqua County Tentative Budget

#### **November 20, 2013**

12. Budget Message – Re: Res. No. 197-13 - Amending Tentative Budget
13. Letters (12) – C. Exec. – Re: Apptmts. to Various Boards & Commissions
14. Letter – C. Exec. – Resignation Effective 11/17/13
15. Letter – Coroner Mackowiak – Re: Requesting Re-Appointment/Coroner
16. Memo – Legislature – Re: LL Intro. 12 & 13-13 (Mailed 11/7/13)
17. Report – Fn. Dir. Marsh – Re: October Investment Report
18. Quarterly Report – Small Business Development Center – (7/1 – 9/30/13)
19. Letter – JCC President Duckworth – Invite to JCC President's Roundtable
20. Letter – NYS Dept. of State – Ack. Receipt of LL 6-13
21. Minutes – Chaut. County Soil & Water Conservation District (10/24/13)
22. Letter – Exec. Dir. Tampio - Chadwick Bay Regional Development Corp – Re: Support of Resolution to Establish a County Water Agency

#### **December 18, 2013**

11. Letters(14) Acting County Exec. Abdella – Apptmts. to Various (11) Bds., Comm., Agencies
12. Letter – Chmn. Gould – Re: Apptmts. to County Water Agency
13. Proof of Publication for Public Hearing – Re: CSTAC Lease @ Jmst. Airport
14. Financial Overview – 2013 Summary (Jan.-Sept. 2013) – Landfill
15. Final Report –Occupancy Bed Tax Project Money–Jazz at Chaut. Institution
16. Fish & Wildlife Highlights – October 2013
17. Letter – NYS Dept. of Taxation & Finance – Ack. Receipt of Res. 164-13
18. Investment Report – Fn. Director Marsh – November 2013
19. Minutes – Chaut. County Soil & Water Conservation District - Nov. 2013
20. Letter of Necessity – Acting County Executive Abdella – Re: LL Intro. 14-13

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