

CHAUTAUQUA COUNTY LEGISLATURE

5/24/17

Chautauqua County Legislature

6:30 P.M.

CALL TO ORDER

ROLL CALL

PRAYER BY LEGISLATOR WHITFORD

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES FOR 4/26/17

PRIVILEGE OF THE FLOOR

(Members of the public may speak on any subject relating to any local law, resolution, or motion appearing on the agenda.

An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

VETO MESSAGES FROM COUNTY EXECUTIVE HARRIGAN

NO VETOES FROM 4/26/17

PRESENTATION:

FISHING ESSAY AWARDS

COMMENDATIONS:

**DUNKIRK-FREDONIA STEELERS
HOCKEY TEAM**

2017 EUROPEAN CELTIC WRESTLING

SILVER MEDALIST

PAUL M. WENDEL, JR.

By Legislator Mark Tarbrake

COMMUNICATIONS:

- 1. Letters (2) – County Executive – Apptmts. to Various Board**
 - 2. Letter – NYS Dept. of Public Service – Re: Consolidated Communications Holdings, Inc & Fairpoint Communications, Inc. Joint Petition**
-

**LOCAL LAW - A LOCAL LAW AMENDING LOCAL LAW 6-03 REGARDING
ITEM PRICING AND SCANNER ACCURACY IN THE
COUNTY OF CHAUTAUQUA**

**RENEW & AMEND – RES. NO. 175-16 – APPROVAL OF INTERIM FUNDING
& ESTABLISHMENT OF CAPITAL ACCOUNTS FOR NORTH CHAUTAUQUA
COUNTY WATER DISTRICT**

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RESOLUTIONS:

- 130-17 Approval of Inter-Municipal Agrmt. Between the North Chaut. County Water District and the Village of Brocton**
- 131-17 Confirm Apptmt – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors**
- 132-17 Confirm Apptmt. – Chautauqua Opportunities Board of Directors**
- 133-17 Confirm Apptmt. & Re-Apptmt. – Chaut. County Aging Advisory Council**
- 134-17 Auth. Agrmt. w/NYS DOT – Performance of Federal-Aid Prjt. PIN 5762.12**
- 135-17 Amend Res. 17-15- Auth. FBO Lease Agrmt. w/ Jmst. Aviation Co., LLC (“JAC”) at Chaut. County/Jmst. Airport to Include Short-Term Automobile Rental Concession Lease Agreement**
- 136-17 Standard Workday and Reporting Resolution**
- 137-17 Auth. Execution of Grant Funding for HELP America Vote Act (HAVA) SHOEBOX Grant**
- 138-17 Distribution of Mortgage Taxes**
- 139-17 Government Reduction Initiative (GRI) Plan for Chautauqua County**
- 140-17 Auth. Acceptance of the Gun Involved Violence Elimination Grant (“GIVE”) for Funds for 2017-2018**
- 141-17 Auth. Acceptance of Grant Extension from NYS Office of Victim Services to DA’s Victim Assistance Center**
- 142-17 Adjust Emerg. Services Budget for Capital Vehicle Replacement**
- 143-17 Use of W911 Reserve for Purchase of two New Servers**
- 144-17 Auth. Extension of Statewide Interoperability Communications (SICG) Formula Grant Award**
- 145-17 Auth. Public Hearing Re: Implementation of Chautauqua County’s 2014 Community Development Block Grant Program, “Chautauqua Septics and Wells,” Funded by the NYS Homes and Community Renewal Housing Trust Fund Corp.’s Office of Community Renewal**
- 146-17 Auth. Public Hearing Re: Potential Application for 2017 Community Development Block Grant Funding Through the NYS Homes and Community Renewal Housing Trust Funds Corp.’s Office of Community Renewal & the Uses of Said Funding**
- 147-17 Acceptance of 2017 NYS OCFS Safe Harbour: NY Program Grant Funds**
- 148-17 Accept Elder Abuse Education & Outreach Program (EAEOP) 2017 Community Mini-Grant**
- 149-17 Amend Depart. of Health & Human Services 2017 Budget for HEAP Program Payroll Allocations**
- 150-17 Auth. Grant Application for a Supplemental Nutrition Assistance Program, (SNAP) Process & Technology Improvement Grant Through the US Dept. of Agriculture (USDA) Food and Nutrition Service**
- 151-17 Apply for Family Planning Grant Funding**
- 152-17 Auth. Grant Application to the NYS Office of Community Renewal for Community Development Block Grant (CDBG) Funding**
- 153-17 Auth. Assignment, Conveyance, or Termination of Rail Spur & Related Easement & Sidetrack Agreements in the Chadwick Bay Industrial Park**

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- 154-17 Supporting Grant Application for NYS Municipal Consolidation and Efficiency Competition**
- 155-17 Amend 2016 Budget for Year-End Reconciliations – GASB 68**
- 156-17 Confirm Appointment – Director of Human Resources**
- 157-17 Supporting Passage of A.7826 & S.5914 - AN ACT 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**
- 158-17 Supporting Passage of A._____ & S.5915 entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes."**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

(A member of the Legislature or the public may speak on any subject.

An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

LOCAL LAW
INTRODUCTORY NUMBER 5-17
COUNTY OF CHAUTAUQUA

A LOCAL LAW AMENDING LOCAL LAW 6-03 REGARDING ITEM PRICING AND
SCANNER ACCURACY IN THE COUNTY OF CHAUTAUQUA

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

Section 1. Purpose of Amendments.

Pursuant to Local Law 6-03 of the County of Chautauqua regarding item pricing and scanner accuracy, the Chautauqua County Department of Weights and Measures monitors unit pricing in stores to ensure that customers are not overcharged for items offered for sale. The item pricing law currently allows for a waiver from individual item pricing if a store passes two scanner accuracy price inspections of a minimum of one hundred stock-keeping items (SKIs) each. In 2003, such waivers were issued to fifteen stores, but the number has risen today to nearly one hundred stores and continues to increase. Due to today's advanced store computer systems, it is extremely unlikely that any store applying for an item pricing waiver will fail a scanner accuracy inspection – thus making a second such inspection of the store redundant and unnecessary. Amending the County's item pricing law to allow for one inspection instead of two will free up time for Department of Weights and Measures staff to attend to other tasks which may bring in additional revenue. Lastly, New York State has removed its requirement that stores make available an in-store price check scanner to customers, and it is appropriate that the County likewise amend its local law to remove the requirement.

Section 2. Amendments.

Section 10 of Local Law 6-03 of the County of Chautauqua is hereby amended as follows:

Section 10. Waiver From Item Pricing.

- a. Every person, store, firm, partnership, corporation, or association which uses a computer-assisted checkout system and which would otherwise be required to item price as provided in Section 3 of this local law may make application in writing to the Director for a waiver of said item pricing requirement. A separate application shall be required for each store. Each applicant shall be subject to a non-refundable processing fee to cover the cost of conducting scanner accuracy inspections as provide in subsection b of this section. The Director shall determine the processing fee and may revise it from time to time to reflect said cost, but in no case shall said fee exceed one thousand seven hundred and fifty dollars (\$1,750.00) per application.
- b. Waiver applications and the required fee must be received at the Bureau of Weights and Measures, 1 North Erie Street, Courthouse, Mayville, New York 14757 before a temporary waiver can be granted. Waivers to item pricing are in effect for a period of twelve (12) months from date of receipt of processing fee and application. Waivers are

to be renewed annually, with the processing fee and inspection required for each annual renewal application.

- c. Upon receipt of an application and fee as provided in subsection a of this section, the Director shall cause to be conducted ~~two (2) a scanner accuracy inspection inspections~~ of the store for which application has been submitted. ~~These inspections~~ This inspection shall be conducted ~~on two (2) separate days, and~~ in the manner prescribed in section eight (8) of this local law, excepting, however, that a minimum of one hundred (100) SKIs shall be checked at each inspection. In the event any violations are detected, penalties shall be assessed as provided in Section 9 of this local law. ~~If, considering both inspections together,~~ the number of SKIs found to be in violation does not exceed two (2) percent of all SKIs inspected, the Director shall grant to this applicant a one (1) year revocable waiver from item pricing requirements. Any store with a current waiver shall be exempt from the requirements of Section 3 of his local law.
- d. In the event that total violations in excess of two (2) percent are discovered in the ~~inspections~~ inspection provided for in subsection c or d of this section, the Director shall not grant a waiver to the applicant. Such store must promptly reapply for a waiver and pay the required fee of two hundred fifty dollars (\$250.00) to the director within five (5) business days after being notified of the failure, provided, however, that the fee shall be waived for reapplications made on or before December 31, 2018. Stores that do not reapply must be in compliance with all requirements of section three within sixty (60) days from date of failure.
- e. In the event that the Director is unable to conduct inspections pursuant to subsection c of this section within thirty (30) days of receipt of a complete waiver application and proper processing fee, or upon other good cause, the director shall grant a temporary waiver, pending completion of the inspections. The Director shall cause said inspections to be completed as soon as practicable.
- f. As a condition of the waiver from item pricing pursuant to this section, each store which accepts a waiver must agree to meet the following requirements, and no regular or temporary waiver shall be granted to a store which has not agreed to these requirements in writing:
 - ~~i. The store shall designate and make available a price check scanner to enable consumers to confirm the price of the SKI. The price check scanner shall be in a location convenient to consumers with a sign of sufficient sized lettering identifying this unit to the consumers. Retail stores containing five (5) or fewer price check scanners or other computer assisted checkout units may utilize all such units in the normal course of business provided that one (1) unit is immediately made available to consumers who request it for price confirmation.~~
 - i. The store shall not charge any customer a price for any SKI which exceeds the item, shelf, sale, or advertised price of that SKI, whichever is least.
 - ii. The store shall cause to be posted in conspicuous location(s), accessible by all consumers and approved by the Director, signs explaining the right of consumers consistent with the waiver as set forth in section eleven (11) of this local law., The Director will specify the content, size, and numbers of

- these sign(s) by regulation. The store is also required to post the temporary or annual waiver in the area designated for handling price discrepancies.
- iii. The store shall make payment to consumers who have been overcharged as provided in Section 11 of this local law. Each store is required to designate at least one (1) individual who is authorized to issue these payments during all of the store's operating hours.
 - iv. The store shall correct all pricing errors identified by consumers at store level within three (3) hours and, if applicable, at their firm, partnership, corporation, or association within twenty-four (24) hours.

Section 3. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

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RES. NO. 130-17

Approval of Inter-Municipal Agreement Between the North Chautauqua County Water District
and the Village of Brocton

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolutions 39-16 and 81-16, the Chautauqua County Legislature established the North Chautauqua County Water District (the “District”), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, the Village of Brocton (the “Village”), which will be one of the six (6) municipal purchasers of water from the District, has been offered a \$2,000,000 grant and a \$5,575,500 interest free loan from the New York State Environmental Facilities Corporation (NYSEFC) to pay for a portion of the proposed capital improvements for the District, to include the construction of a new 500,000 gallon water storage tank on the site of the Village water treatment plant, a new water booster pump station on the site of the Town of Portland water storage tank on NYS Route 5, and the installation of 10,000 linear feet of 8-inch PVC and 28,000 linear feet of 16-inch PVC along NYS Route 5 and Willow Road, along with valves, fire hydrants, and appurtenances (the “Capital Improvements”); and

WHEREAS, in order for the Village and the District to take advantage of the aforementioned NYSEFC grant and financing, it is necessary for the Village to own the Capital Improvements during the term of the NYSEFC loan, and enter into an inter-municipal agreement (“IMA”) with the District for the use, operation, maintenance, and payment of the debt service on the loan; therefore be it

RESOLVED, That the County Legislature hereby authorizes the District to enter into an IMA with the Village relating to the Capital Improvements to be financed by the grant and interest free loan from NYSEFC, on substantially the following terms and conditions:

1. Use, Operation, and Maintenance. During the term of the IMA, the District shall have exclusive use of the Capital Improvements for District purposes, and be solely responsible for the operation and maintenance of the Capital Improvements.
2. Term. The term of the IMA shall extend to the end of the term of the loan between NYSEFC and the Village, being thirty (30) years after the date the Village closes on the long-term financing with NYSEFC.
3. Payment. The District will make an annual payment to the Village equal to the amount of the Village’s NYSEFC debt service payment obligation.
4. State Reimbursement. In the event the Village receives partial reimbursement for the Capital Improvements from the New York State Department of Corrections and Community Supervision (DOCCS), the reimbursement funds shall be transferred to the District.
5. Transfer of Capital Improvements Upon Termination of IMA. After the last loan payment is made by the Village to NYSEFC, the ownership of the Capital Improvements will be transferred by the Village to the District.
6. Other. As negotiated by the Chairman of the District, subject to approval as to legal form by the County Attorney.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Borrello, Muldowney

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RES. NO. 131-17

Confirm Appointment – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors

By Public Facilities Committee:

At the Request of Chairman David Himelein:

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 appoints the following member to the Portland-Pomfret-Dunkirk Sewer District Board of Directors.

Henry G. Walldorff

Replaces Robert Penharlow

10576 Temple Rd.

Dunkirk, N.Y. 14048

Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

RES. NO. 132-17

Confirm Appointment – Chautauqua Opportunities Board of Directors

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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 Opportunities Governing Board.

Nicodemo Piccolo

1 Burgess Street

Silver Creek, N.Y. 14136

Term Expires: 6/30/17

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

RES. NO. 133-17

Confirm Appointment & Re-Appointments - Chautauqua County Aging Advisory Board

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, County Executive Vincent W. Horrigan, 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 Aging Advisory Council.

Re-Appointments:

Marie Carrubba, Esq.
19 Widrig Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Russell E. Diethrick Jr.
153 Hallock Street
Jamestown, N.Y. 14701
Term Expires: 12/31/17

Dan Girts
4911 Baker St. Ext. Lot 24
Ashville, N.Y. 14710
Term Expires: 12/31/17

Mary Anne Johnston
3784 Victoria Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/17

David L. Larson, PhD.
3101 Straight Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/17

New Appointment:

Max Martin
PO Box 371
Dewittville, N.Y. 14728
Term Expires: 12/31/17
Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

RES. NO. 134-17

Authorize Agreement w/ NYSDOT for Performance of Federal-Aid Project PIN 5762.12

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Project for the Replacement of the County Bridge 998, Matteson Street over Canadaway Creek, BIN 3326080, in the Village of Fredonia, Chautauqua County, PIN 5762.12 (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 \$300,000, to be borne at the ratio of 95% Federal funds and 5% County funds; and

WHEREAS, the County of Chautauqua will design, let and construct the Project; 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 Project PIN 5762.12; and

WHEREAS; the local share is calculated to be \$15,000 and can be covered with existing funding in account D.5112.390; now therefore be it

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

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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 Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and nonfederal share costs of the Project 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 Chautauqua County hereby agrees that the Project will be advanced to the funding obligation stage within eighteen (18) months of execution of the State agreement and that the Project shall be completed within THREE years of commencing construction; 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, 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 – Capital Improvements, County Bridge Program \$285,000

INCREASE CAPITAL REVENUE ACCOUNT:

D.5112.390.R458.9002 Federal Aid – Surface Transp Program \$285,000
Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Borrello

RES. NO. 135-17

Amend Resolution 17-15 Authorizing FBO Lease Agreement w/ Jamestown Aviation Company, LLC (“JAC”) at the Chautauqua County/Jamestown Airport to Include Short-Term Automobile Rental Concession Lease Agreement

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 17-15, the County authorized a lease agreement with Jamestown Aviation Company, LLC (“JAC”) to operate a full-service fixed base operation (FBO) at the Chautauqua County/Jamestown Airport; and

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WHEREAS, for many years, the Chautauqua County/Jamestown Airport offered an automobile rental service to the general public in Chautauqua County through an automobile rental concession vendor located on the premises; and

WHEREAS, the most recent automobile rental concession vendor decided not to renew its lease with the County, thus leaving the Chautauqua County/Jamestown Airport without this much-needed service; and

WHEREAS, the County has been unable to attract another automobile rental concession vendor to the Chautauqua County/Jamestown Airport; and

WHEREAS, JAC, for the mutual benefit of the FBO and the County, plans to enter into an agreement with Hertz Rent-A-Car to provide an automobile rental service to FBO customers and the general public at the Chautauqua County/Jamestown Airport; and

WHEREAS, the County and JAC have negotiated terms and conditions of a short-term automobile rental concession lease agreement at the Chautauqua County/Jamestown Airport; and

WHEREAS, the County desires to give JAC permission to perform this non-aviation activity under JAC's current FBO lease agreement by amending said agreement to include a short-term automobile rental concession lease agreement; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to amend the current FBO lease agreement with Jamestown Aviation Company, LLC ("JAC") and execute a short-term automobile rental concession lease agreement at the Chautauqua County/Jamestown Airport on substantially the following terms and conditions:

1. Rent: 50% of net revenue JAC receives from car rentals.
2. Term: June 1, 2017 to May 30, 2018.
3. Utilities: Paid by JAC.
4. Other: As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Scudder, Muldowney, Wilfong, Gould, Chagnon, Borrello

RES. NO. 136-17

Standard Workday and Reporting Resolution

By Administrative Services Committee:

At the Request of Chairman David Himelein:

BE IT RESOLVED, That the County of Chautauqua hereby establishes the following standard work days for these titles, as set forth in the attached schedule, and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

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Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
ELECTED OFFICIALS								
Legislator	6.00	GEORGE M	BORRELLO	XXXX	XXXXXXXX	01/01/16 - 12/31/17	6.47	
District Attorney	7.00	PATRICK E	SWANSON	XXXX	XXXXXXXX	01/01/17 - 12/31/20	24.81	
APPOINTED OFFICIALS								
Assistant County Attorney	8.00	R. THOMAS	RANKIN	XXXX	XXXXXXXX	01/01/16 - 12/31/17	12.89	
Assistant District Attorney	7.00	EMILY A	WOODARD	XXXX	XXXXXXXX	01/01/17 - 12/31/20	25.58	

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

RES. NO. 137-17

Authorize Extension of Grant Funding for Help America Vote Act (HAVA) SHOEBOX Grant

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 102-12 and 91-16, the County Legislature authorized the Chautauqua County Board of Elections to receive a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from March 31, 2014 through March 31, 2018; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of the grant agreement with the State of New York for the designated time period.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Nazzaro, Borrello, Gould

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RES. NO. 138-17

Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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 pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

October 1, 2016 through March 31, 2017

TOWNS		CITIES	
Arkwright	3,973.11	Dunkirk	25,904.87
Busti	66,883.51	Jamestown	92,300.05
Carroll	9,678.62		
Charlotte	6,542.52	TOTAL	\$118,204.92
Chautauqua	69,285.50		
Cherry Creek	4,871.78		
Clymer	6,969.89	VILLAGES	
Dunkirk	6,628.03	Bemus Point	2,623.77
Ellery	39,464.98	Brocton	951.43
Ellicott	48,668.88	Cassadaga	1,289.33
Ellington	4,992.97	Celoron	2,863.79
French Creek	7,581.06	Cherry Creek	547.88
Gerry	23,096.06	Falconer	5,734.42
Hanover	25,624.31	Fredonia	21,899.42
Harmony	4,203.37	Lakewood	19,857.27
Kiantone	15,198.70	Mayville	5,495.79
Mina	7,069.50	Panama	518.77
North Harmony	21,204.60	Sherman	783.59
Poland	6,604.24	Silver Creek	3,196.67
Pomfret	42,326.76	Sinclairville	1,678.35
Portland	10,477.19	Westfield	5,534.17
Ripley	8,774.99		
Sheridan	17,847.05	TOTAL	\$72,974.65
Sherman	4,530.52		
Stockton	7,135.00		
Villanova	2,805.30		
Westfield	15,036.87		

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TOTAL \$487,475.31

GRAND TOTAL \$678,654.88

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Chagnon, Gould, Nazzaro, Borrello

RES. NO. 139-17

Government Reduction Initiative (GRI) Plan for Chautauqua County

By Administrative Services and Audit & Control Committees:

At the Request of Legislators Niebel and Borrello:

WHEREAS, in 2009, the New York State Legislature adopted the “New N.Y. Government Reorganization and Citizen Empowerment Act,” which revised the requirements for consolidating or dissolving local government entities in New York State; and

WHEREAS, in November 2016, Governor Andrew M. Cuomo announced the Municipal Consolidation and Efficiency Competition for local governments to compete for \$20 million in grant awards to spur local government consolidation and innovative restructuring initiatives; and

WHEREAS, the County wishes to join New York State and encourage a decrease in the layers of local government in order to reduce property taxes, improve the business climate, and spur economic development in Chautauqua County; and

WHEREAS, pursuant to Local Law 4-17 of the County of Chautauqua, the County is authorized pursuant to a duly adopted resolution to provide assistance to other municipalities in Chautauqua County to accomplish the consolidation and dissolution of local government entities, and

WHEREAS, it is appropriate that the County Legislature establish the parameters in which the County intends to provide such assistance; therefore be it

RESOLVED, That the County Legislature hereby establishes a Local Government Reduction Initiative (LGRI) Plan for Chautauqua County as follows:

1. Village Dissolution. The County will provide to a town in which a dissolving village is located a payment equal to the sales tax payment made to the village in the year preceding the dissolution, but not to exceed \$50,000. 50% of such payment may be utilized by the town with no restrictions, and 50% of the remaining funds shall be used for purposes previously undertaken by the village, including, but not limited to, youth programs, senior programs, sidewalk snow removal, and debt service reduction.
2. Town Consolidation. The County will provide to a new town formed by the merger of two or more towns a payment equal to the sum of the sales tax payments made to each of the former towns in the year preceding the consolidation, but not to exceed \$50,000. There shall be no restriction on the use of the payment funds by the new merged town.
3. State and Federal Grants. The payments provided by the County pursuant to this resolution shall be reduced by the amount of state or federal grants received by a village or town to assist in dissolution or consolidation, except that no reduction will be made for

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the following: (a) state or federal grants to study potential dissolution or consolidation; (b) Citizen Empowerment Tax Credits; and (c) County payments to be utilized as a match to state or federal grant funds that assist a village or town in dissolution or consolidation.

4. Payment Agreements. Subject to the appropriation of funds by the County Legislature, the County Executive is authorized and empowered to enter into agreements with towns to implement the payment provisions of this resolution.

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney, Gould, Chagnon, Nazzaro, Borrello

RES. NO. 140-17

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") for Funds for 2017-2018

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$185,075.00 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

WHEREAS, the funded "GIVE" Task Force partners consist of the City of Jamestown Police Department, and the Chautauqua County agencies of the District Attorney, Sherriff's Office and Probation Office; and

WHEREAS, the City of Jamestown Police Department has been awarded \$69,089.00 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County agencies consisting of the Office of the District Attorney (\$79,878.00), the Office of the Sheriff (\$24,808.00) and the Office of Probation (\$11,300.00) 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 2017 budget with the balance to be included in the 2018 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the aforementioned grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$115,986.00 for the term of July 1, 2017 to June 30, 2018, and any other necessary agreements to implement the project.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

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RES. NO. 141-17

Authorize Acceptance of Grant Extension from NYS Office of Victim Services to District Attorney's Victim Assistance Center

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution No. 180-14, the Chautauqua County Office of the District Attorney was awarded a grant in the amount of \$367,309.45 from the New York State Office of Victim Services to be used for the period of October 1, 2014 through September 30, 2017; and

WHEREAS, the Chautauqua County Office of the District Attorney has been awarded a grant extension in the amount of \$388,971.90 from the New York State Office of Victim Services to be used for the period of October 1, 2017 through September 30, 2019, with the 2017-2018 amount being \$190,672.50, and the 2018-2019 amount being \$198,299.40 per grant fiscal year; 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 increased assistance to all victims of crime in Chautauqua County; specifically, by increasing civil service grade positions for two current employees and creating a new full-time civil service position in the District Attorney's Victim Assistance Center; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the aforementioned grant extension agreement with the New York State Office of Victim Services; and be it further

RESOLVED, That it is the intent of the County Legislature that the employee positions created and funded pursuant to this grant will not be continued should the grant not be refunded; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1165.1169.1 Personal Services—District Attorney, Crime Victims	\$14,193	\$35,481
A.1165.1169.4 Contractual—District Attorney, Crime Victims	\$ 656	
A.1165.1169.8 Employee Benefits—District Attorney, Crime Victims	<u>\$11,531</u>	
Total	\$26,380	\$47,668

INCREASE REVENUE ACCOUNTS:

A1165.1169.R308.9003 NYS Aid—Oth St Aid: Crime Victims	\$ 5,276	\$ 9,534
A1165.1169.R408.9003 Federal Aid—Oth Fed Aid: Crime Victims	<u>\$21,104</u>	\$38,134
Total	\$26,380	\$47,668

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Gould, Borrello (*Amended in P.S.*)

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RES. NO. 142-17

Adjust Emergency Services Budget for Capital Vehicle Replacement

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Emergency Services Capital Budget for 2017 includes estimates for the purchases of vehicles; and

WHEREAS, funds have been received for the sale of the 2000 Ford E450 Super Duty Ambulance; and

WHEREAS, the appropriate disposition of these funds is to increase the Capital Appropriation account and increase the Capital Revenue account; therefore be it

RESOLVED, That the Director of Finance be and hereby is authorized and directed to make the following changes to the 2017 Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.3997.999.4 Contractual – EMS Vehicle Replacement \$7,100

INCREASE CAPITAL REVENUE ACCOUNT:

H.3997.999.R266.5000 Sale of Property -Sale of Equipment \$7,100

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 143-17

Use of W911 Reserve for Purchase of Two New Servers

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the purchase of two computer servers is an unanticipated but necessary cost to continue operation of the 911 emergency system; and

WHEREAS, the 2017 budget does not include funds for equipment for the 911 system; and

WHEREAS, the County Sheriff's Office has sufficient funds in a reserve account that can be used to purchase equipment for this operation of the 911 emergency system; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.891.0000 Fund Bal., Reserved Fund Bal. – Misc. Reserve: W-911 \$14,500

; and be it further

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RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.3020.W911.2 Equipment—Publ Safety Communication-W911-E911 Wireless \$14,500

Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 144-17

Authorize Execution of Statewide Interoperability Communications (SICG) Formula Grant Award

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the New York State (NYS) Division of Homeland Security and Emergency Services approved the application submitted for the Statewide Interoperability Communications (SICG) formula grant; and

WHEREAS, the State of New York will provide funding for a FY16 grant in the amount of \$657,306.00, with no local funds, for Contract #C198630 for the performance period of January 1, 2017 through December 31, 2018; and

WHEREAS, a portion of the grant funds will be expended in 2017, and the 2017 Chautauqua County Budget does not include any revenue or expenditures for this grant since the grant funds became available after the budget was released; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2017 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.2	Equipment—Publ Safety Communication, Pub Sfty Communications Network	\$362,306
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INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000	Federal Aid—Other Public Safety Aid	\$362,306
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Niebel, Chagnon, Nazzaro, Muldowney, Borrello, Gould

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RES. NO. 145-17

Authorizing Public Hearing Regarding the Implementation of Chautauqua County's 2014 Community Development Block Grant Program, "Chautauqua Septics and Wells," Funded by the NYS Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Community Renewal awarded Chautauqua County \$200,000 under the 2014 Community Development Block Grant (CDBG) program CDBG# 222WS338-14, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, for the Chautauqua Septics and Wells Program, which assists low/moderate income homeowners with necessary repairs to existing household water and wastewater systems, including lateral connections to municipal systems; and

WHEREAS, the CDBG program is administered by the New York State Office of Community Renewal (OCR) and provides resources to eligible local governments for housing, economic development, public facilities, public infrastructure, and planning activities, with the principal purpose of benefitting low/moderate income persons; and

WHEREAS, a public hearing is required pursuant to 24 CFR §§570.431 and 570.486, and in compliance with the requirements of the Housing and Community Development Act of 1974, as amended, to provide further information to the public about the progress of the ongoing CDBG project and to accept public comments related to the effectiveness of the administration of the CDBG project; therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 28, 2017, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

RES. NO. 146-17

Authorizing Public Hearing Regarding a Potential Application for 2017 Community Development Block Grant Funding Through the NYS Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal and the Uses of Said Funding

By Human Services Committee:

At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, the Office of Community Renewal is expected to release a Notice of Funding Availability (NOFA) during the summer of 2017 for the 2017 Community Development Block Grant (CDBG) program, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, under its Housing Resources NOFA; and

WHEREAS, the CDBG program Housing Resources Program provides funding to eligible communities for housing activities including housing rehabilitation, homeownership, manufactured housing rehabilitation or replacement, well and septic replacement, and lateral connection assistance that primarily benefits low- and moderate-income persons; and

WHEREAS, the County is considering applying for funding under this NOFA for continuation of the Chautauqua Septics and Wells Program for those residing in eligible, non-entitlement communities within Chautauqua County; and

WHEREAS, in accordance with 24 C.F.R. §570.486 and §570.431 the County is seeking public input on community development, housing needs, and proposed activities under the CDBG program, especially input from low- and moderate- income residents; therefore be it

RESOLVED, That the Chautauqua County Legislature hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on June 28, 2017, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature is authorized and directed to post notice of the public hearing in the Gerace Office Building and to publish notice of the hearing at least seven (7) days prior thereto in the official newspapers of the County of Chautauqua in such form as is approved by the Chautauqua County Law Department.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin

RES. NO. 147-17

Acceptance of 2017 NYS OCFS Safe Harbour: NY Program Grant Funds

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Office of Children and Family Services (OCFS) has awarded a \$60,000 grant to the Chautauqua County Department of Health and Human Services for the New York: Safe Harbour Initiative, to be spent by December 31, 2017; and

WHEREAS, these grant funds support local efforts to develop and implement a systematic response to identify and provide services to youth who have experienced or are at risk of experiencing human trafficking or commercial sexual exploitation, to promote community awareness about the sexual exploitation of children and to provide trainings at schools, youth serving agencies, and throughout the county; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Office of Children and Family Services, and to execute such other program-related documents as may be necessary, for so long as the County Department of Health and Human Services continues to be funded by this program, with work plans and budgets to be

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amended and revised on an annual basis by letters of agreement between the parties; and be it further

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

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual – Social Services Admin \$ 60,000

INCREASE REVENUE ACCOUNT:

A.6010.R368.9000 New York State Aid – Other Social Services \$ 60,000

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 148-17

Accept Elder Abuse Education and Outreach Program (EAEOP) 2017 Community Mini-Grant

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Office for the Aging's Elder Abuse Education and Outreach Program (EAEOP) has provided funding to the Monroe County Office for the Aging for support of elder abuse prevention efforts across New York State; and

WHEREAS, the Monroe County Office for the Aging has contracted with Lifespan of Greater Rochester Inc. (Lifespan) to administer subcontracting its EAEOP 2017 Community Mini-Grants; and

WHEREAS, Lifespan has awarded an EAEOP 2017 Community Mini-Grant to the Chautauqua County Department of Health and Human Services to support its elder abuse prevention efforts for the period of February 1, 2017 through September 30, 2017 in the amount of \$10,000; and

WHEREAS, the 2017 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with Lifespan of Greater Rochester Inc. for the Elder Abuse Education and Outreach Program Community Mini-Grant, and to execute such other program-related documents as necessary, for so long as the County Department of Health and Human Services continues to be funded by this program, with work plans and budgets to be amended and revised on an annual basis by letters of agreement between the parties; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual-Social Services Admin \$10,000

INCREASE REVENUE ACCOUNT:

A.6010.R368.9000 New York State Aid – Other Social Services \$10,000

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 149-17

Amend Department of Health & Human Services 2017 Budget for HEAP Program Payroll Allocations

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, 2017 personal services and employee benefits expenditures for HEAP are now projected to be in excess of the budgeted amount because the original budget omitted payroll allocations from other program areas to the HEAP program; and

WHEREAS, 2017 personal services and employee benefits expenditures for Social Services Administration are now projected to be lower than the budgeted amount because the original budget omitted payroll allocations to the HEAP program; therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2017 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6141.----.1 Personal Services – Home Energy Assistance Program \$ 60,000
A.6141.----.8 Employee Benefits – Home Energy Assistance Program \$ 40,000
Total \$100,000

DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1 Personal Services - Social Services Admin \$ 60,000
A.6010.----.8 Employee Benefits - Social Services Admin \$ 40,000
Total \$100,000

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

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RES. NO. 150-17

Authorize Grant Application for a Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant Through the U.S. Department of Agriculture (USDA) Food and Nutrition Service

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the U.S. Department of Agriculture (USDA) Food and Nutrition Service has announced a grant competition awarding up to \$5,000,000 of grant funding available through its Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grants program for projects aimed at simplifying the SNAP application and eligibility determination systems or improving access to SNAP benefits by eligible applicants; and

WHEREAS, the Department of Health and Human Services intends to apply for a SNAP Process and Technology Improvement Grant to fund the purchase of self-service kiosks and other technological components that would be fundable under such a grant for installation in its central intake area in the South County Office Building; and

WHEREAS, the aforementioned USDA grant application process requires the governing body of a municipality to authorize proceeding with the USDA grant applications, and the County will need to complete preparation of the proposals for filing by the USDA deadline of June 19, 2017; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to apply for the Supplemental Nutrition Assistance Program (SNAP) Process and Technology Improvement Grant funding through the U.S. Department of Agriculture (USDA) Food and Nutrition Service and to execute any agreements necessary to secure such funding

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 151-17

Apply for Family Planning Grant Funding

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the New York State Health Department (NYSDOH) has released the Request for Applications (RFA) for the availability of Title 10 grant funds to support comprehensive family planning and reproductive health services for low-income, uninsured and underinsured women and men of reproductive age; and

WHEREAS, Chautauqua County is eligible for an award up to \$500,000 per year for the period 1/1/2018 to 12/31/2022; and

WHEREAS, the NYSDOH RFA minimum eligibility requirements include governmental and not-for-profit health care facilities licensed through Article 28 of the New York State Public Health Law and certified to provide Medical Services – Primary Care with a minimum of three years' experience providing comprehensive family planning and reproductive health services

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with preference given to applicants with a minimum of five years' experience in the administration of a comprehensive high quality family planning and reproductive health program in compliance with federal Title X program requirements; and

WHEREAS, the Chautauqua County Department of Health and Human Services operates such an Article 28 Diagnostic and Treatment Center, *The Chautauqua County Health Department*, and meets the minimum and preferred eligibility requirements for this Request for Applications; and

WHEREAS, on April 27, 2017, the Chautauqua County Board of Health recommended that Chautauqua County submit an application to be awarded this funding; and

WHEREAS, application for these funds is critical to the continuance of comprehensive family planning and reproductive health care services for Chautauqua County residents; now, therefore, be it

RESOLVED, That the County Executive or his designee is requested to apply for this State grant on behalf of the County to support comprehensive family planning and reproductive health programs that support critical health services to a most vulnerable population and work to build a sustainable health care system for the future of Chautauqua County residents; and be it further

RESOLVED, That the County Executive be authorized to execute any and all agreements and documents necessary to accept and implement this grant if awarded.

Signed: Tarbrake, Lemon, Whitford, Wilfong, Rankin, Chagnon, Nazzaro, Muldowney, Borrello, Gould

RES. NO. 152-17

Authorize 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 Vincent W. Horrigan:

WHEREAS, Castelli America plans to expand its cheese production operations in the County of Chautauqua; and

WHEREAS, Castelli America 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 and working capital to support an expansion project (the "Project"); and

WHEREAS, the Chautauqua Regional Economic Development Corporation ("CREDC") is assisting in the facilitation of the Project and has requested that the County provide the OCR funding to CREDC as a grant for the purpose of making a deferred loan and a term loan to Castelli America; and

WHEREAS, the Project will result in substantial benefit to Chautauqua County in the form of an estimated 50 new employment positions; and

WHEREAS, the County has held a public hearing pursuant to 24 CFR §§570.431 and 570.486 to obtain citizens' views regarding the CDBG program as administered by OCR and the Project; now, therefore be it

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RESOLVED, That the County Executive is hereby authorized to submit a CDBG grant application in the approximate amount of \$750,000 to OCR to support the expansion of Castelli America's cheese production operations in the County of Chautauqua; and be it further

RESOLVED, That the County Executive is hereby authorized to execute the OCR grant agreement, a grant agreement with CREDC, and all other related documents associated with the OCR grant, all such documents to be subject to review and approved by the County Attorney; and be it further

RESOLVED, That the County Executive is hereby designated as the Certifying Officer responsible for all environmental review actions associated with the OCR grant pursuant to the National Environmental Policy Act ("NEPA").

Signed: Borrello, Chagnon, Odell, Starks, Niebel, Nazzaro, Muldowney, Gould

RES. NO. 153-17

Authorize Assignment, Conveyance, or Termination of Rail Spur and Related Easement and Sidetrack Agreements in the Chadwick Bay Industrial Park

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, in 2003 the County acquired a permanent easement for a rail spur located in the Chadwick Bay Industrial Park, and entered into a private sidetrack agreement with CSX Transportation, Inc.; and

WHEREAS, the rail spur is not utilized by the existing businesses in the Industrial Park, and a portion of the rail spur is located on land owned by the County of Chautauqua Industrial Development Agency (CCIDA); and

WHEREAS, CCIDA has advised the County that a proposed economic development project on CCIDA lands in the Industrial Park would be obstructed by the existing rail spur, and the rail spur is no longer needed for public use or County purposes; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to assign, convey, or terminate all of the County's right, title, and interest in the rail spur located in the Chadwick Bay Industrial Park, including related easement and sidetrack agreements, upon terms and conditions to be negotiated by the County Executive, which may include assignment or conveyance of said interest to CCIDA to facilitate economic development in the Industrial Park.

Signed: Borrello, Chagnon, Odell, Starks, Niebel

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RES. NO. 154-17

Supporting Grant Application for New York State Municipal Consolidation and Efficiency Competition

By Planning & Economic Development Committee:

At the Request of County Executive Vincent W. Horrigan and Legislator George Borrello:

WHEREAS, in November 2016, Governor Andrew M. Cuomo announced a Municipal Consolidation and Efficiency Competition for local governments to build consortiums and compete for a \$20 million award; and

WHEREAS, a preliminary plan put forth by Chautauqua County and 23 co-applicant local governments, which included recommendations from the County’s Regional Solutions Commission, was selected as one of 6 finalists; and

WHEREAS, County Executive Vincent Horrigan and the Chautauqua County Legislature share a strong commitment to more efficient government to reduce the tax burden on our residents and have promoted service sharing among local governments via the Regional Solutions Commission; therefore be it

RESOLVED, That Chautauqua County fully supports the Phase II Municipal Consolidation and Efficiency Competition application and as the lead applicant will continue to facilitate development and facilitate implementation of the projects within, should the application be awarded the \$20 million grant award.

Signed: Borrello, Odell, Starks, Niebel (*Chagnon abstained*)

RES. NO. 155-17

Amend 2016 Budget for Year-End Reconciliations – GASB 68

By Audit & Control Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, some department expenses have exceeded initial budgetary estimates due to year-end adjustments per Governmental Accounting Standards Board Statement 68 (GASB 68), as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2016 budget:

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.8	Employee Benefits - Environment, Landfill	\$87,943
ESN.8110.8112.8	Employee Benefits - Administration, Administration	\$20,881
ESS.8110..8	Employee Benefits - Administration	<u>\$61,257</u>
	- Total	\$170,081

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.4	Contractual - Environment, Landfill	\$87,943
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ESN.8120.8122.2	Equipment - Sanitary Sewers, Sanitary Sewers	\$20,881
ESS.8110..4	Contractual - Administration	\$34,224
ESS.8120..4	Contractual - Sanitary Sewers	<u>\$27,033</u>
	Total	\$170,081

Signed: Chagnon, Borrello, Muldowney, Nazzaro, Gould

RES. NO. 156-17

Confirm Appointment – Director of Human Resources

At the Request of County Executive Vincent W. Horrigan, Legislators Lemon and Whitford:

WHEREAS, County Executive Vincent W. Horrigan has appointed Jessica L. Wisniewski, 2950 Straight Road, Fredonia, New York 14063, as Director of Human Resources, subject to confirmation by the Chautauqua County Legislature; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the appointment of Jessica L. Wisniewski as Chautauqua County Director of Human Resources effective June 30, 2017, in Range 10 of the Management Salary Plan, for a term ending May 31, 2023, as provided in New York Civil Service Law and New York Public Officers Law.

Signed: Lemon, Whitford

RES. NO. 157-17

Supporting Passage of A.7826 & S.5914 - AN ACT 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

At the Request of Chairman David L. Himelein, County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 128-17, the County Legislature made a home rule request for authority to continue through November 30, 2019 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 legislative 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. 7826 and New York State Senate Bill No. 5914 entitled “AN ACT 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”.

Signed: Himelein

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RES. NO. 158-17

Supporting Passage of A. _____ & S.5915 entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes."

At the Request of Chairman David L. Himelein, County Executive Vincent W. Horrigan:

WHEREAS, the authority for the County's additional one percent (1%) sales tax will expire on November 30, 2017; and

WHEREAS, the New York State Legislature has pending legislation that would authorize the County to extend the additional one percent (1%) sales tax from December 1, 2017 through November 30, 2019; and

WHEREAS, the authorization to impose an additional 1.0% sales tax requires the County to:

(1) continue to assist the towns, villages and cities to the same degree provided in current law by sharing three-twentieths (3/20) of the net collections from the additional 1.0% of sales tax with the towns, villages and cities through November 30, 2019; and

(2) continue the existing residential energy exemption; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby support the passage of New York State Assembly Bill No. A. _____ and New York State Senate Bill No. S.5915 entitled "AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua to impose additional sales and compensating use taxes."

Signed: Himelein