

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

Chautauqua County Legislature

6:30 P.M.

**CALL TO ORDER
ROLL CALL
PRAYER BY LEGISLATOR RANKIN
PLEDGE OF ALLEGIANCE
APPROVAL OF THE MINUTES - 12/21/16 & 1/3/17
PRIVILEGE OF THE FLOOR**

**VETO MESSAGES FROM COUNTY EXECUTIVE HORRIGAN
NO VETOES FROM 1/3/17**

COMMENDATION:

**Panama Girls Volleyball Team
State Champions
By
Chairman David Himelein
Assemblyman Andrew Goodell**

RECOGNITION:

**Susan Marsh
Outgoing
Director of Finance
By
County Executive Vincent W. Horrigan & Chairman David Himelein**

6:35 P.M.

**PUBLIC HEARING
Amendments to FBO & Hangar Lease Agreement
At the Chautauqua County/Jamestown Airport**

COMMUNICATIONS:

1. Letters (3) – County Executive – Appts. to Various Board
2. Reports (2) – Fn. Director Marsh – Investment Reports (Nov./Dec-2016)
3. Letter – DA Swanson – Re: Order of Attys. Power and Duties
4. Minutes – Chaut. Lake and Watershed Management Alliance (Nov. 2016)
5. Email – To Clerk Tampio from Fred Keller – Opposition to Wind Farm
6. Letter – Dept. of Public Service – Public Statement Hearing–Re: Wind Farm
7. Letter – ProAct Prescription Discount Card Program – Board Update
8. Report – Comptroller’s Audit (January 1, 2013-January 15, 2016)
9. 2017 Chautauqua County Adopted Budget

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

**LOCAL LAW INTRO. 1-17 – A LOCAL LAW AMENDING THE
CHAUTAUQUA COUNTY CODE OF ETHICS**

RESOLUTIONS:

- 5-17 Confirm Re-Appointment - Chautauqua County Ethics Board**
- 6-17 Confirm Re-Appointment - Chautauqua County Traffic Safety Board**
- 7-17 Confirm Re-Appointments - Chautauqua County Fire Advisory Board**
- 8-17 Amend County Road System Map to Add CR 649 Precision Way**
- 9-17 Transfer DPF Administration Petty Cash from Checking to Cash**
- 10-17 Close Accts. for Completed Dept. of Public Facilities Prjts. as of 12/31/16**
- 11-17 Auth. Public Hearing – Modifications & Improvements for Phosphorous Removal in the Treatment Plant of North Chaut. Lake Sewer District**
- 12-17 Auth. Amendments FBO & Hangar Lease Agrmt. at Jamestown Airport**
- 13-17 Close Accts. for Completed IT Capital Projects as of 12/31/16**
- 14-17 2016 Hazardous Materials Grant Program**
- 15-17 Close Capital Project H.3110.511**
- 16-17 Reallocate Budget & Adjust Revenue & Appropriation Accts. to Consolidate Grant Awards into One Sub-Department**
- 17-17 Adjust Appropriation & Revenue Accounts due to Unbudgeted Revenues & Expenditures**
- 18-17 Amend Chaut. Co. Dept. of HHS 2016 Budget for Increased Child Care (Foster/Institutional) Costs**
- 19-17 Amend Chaut. Co. Dept. of HHS 2016 Budget for Increased Handicapped Preschool Education Tuition Costs**
- 20-17 Amend Chaut. Co. Dept. of HHS 2016 Budget for Increased Handicapped Preschool Education Transportation Costs**
- 21-17 Auth. Extension of Lease Agrmt. for Dept. of Planning & Economic Development at the BWB Center**
- 22-17 Auth. Agrmt. w/ Small Business Development Center at JCC**
- 23-17 Auth. Agrmt. w/ County of Chaut. IDA for Industrial Development & Promotion**
- 24-17 Auth. Agrmt. w/ County of Chaut. IDA for the Business Assistance Program**
- 25-17 Auth. Agrmt. w/ County of Chaut. IDA for Attraction & Development of Tourism Related Businesses**
- 26-17 Close Accts. - Completed Planning & Development Capital Prjts. as 12/31/16**
- 27-17 Quit Claim Deeds**

MOTION:

- A. Proclaiming February Black History Month**

ANNOUNCEMENTS

PRIVILEGE OF THE FLOOR

LOCAL LAW
INTRODUCTORY NO. 1-17
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 5-13 of the County of Chautauqua, entitled “A Local Law Amending the Chautauqua County Code of Ethics, is hereby 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. "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.
4. "Dependent" means an individual who will be claimed by the County officer or employee as a dependent on the current year's State or Federal tax return.
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. "Related person" means a spouse, parent, child, or sibling, including step and half relations, a Dependent, a member of the County officer or employee's household, or a first cousin, aunt, uncle, niece, or nephew.
8. "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:
 - 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. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, 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.

- c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public 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, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County officer or employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; 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 two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and purchasing goods. Nothing in this section shall be construed as prohibiting a County officer or employee from performing a purely ministerial act.

Notwithstanding the above, a County officer or employee may respond to questions asked by an individual who will be taking or refraining from taking an action.

- 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 of 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 County officer or employee 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. Interests in Contracts Pursuant to General Municipal Law

1. No County officer or employee may have an interest in a contract that is prohibited by section 801 of New York General Municipal Law.

2. Every County officer and employee shall disclose interests in contracts with the County at the time and in the manner required by section 803 of New York General Municipal Law.

Section 6. Use of County Resources

The use of County resources by County officers and employees shall be in compliance with County policies and procedures.

Section 7. 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 8. Annual Disclosure

1. All Public officials who are elected or paid shall file with the Ethics Board, 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 January 11, 2017:

- 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 Ethics Board 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 Ethics Board 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 original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. 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
- 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

Chairman of North Chautauqua County Water District
Chairman of North County Industrial Water/Sewer District 1
Chairman of South and Center Chautauqua Lake Sewer Districts Board
Chautauqua County Land Bank Corporation Board Members
Chautauqua Tobacco Asset Securitization Corporation Members
Chief Information Officer
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
Deputy Director of Planning
Deputy Director of Planning and Economic Development
Deputy Director of Public Facilities (Engineering)
Deputy Director of Public Facilities (Environment, Airports, Parks & Buildings & Grounds)
Deputy Director of Public Facilities (Transportation)
Deputy Probation Director II
Deputy Public Health Director
Deputy Sheriff Captain
Deputy Sheriff/Jail Supervisor
Director of Administrative Services
Director of Aging Health Services
Director of Certification
Director of Community Mental Hygiene Services
Director of Economic Development
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 Office for the Aging
Director of Office of Management and Budget
Director of Patient Services
Director of Planning
Director of Planning and Economic Development
Director of Portland-Pomfret-Dunkirk Sewer District
Director of Public Facilities
Director of Real Property Tax Services III
Director of Social Services
Director of South & Center Chautauqua Lake Sewer Districts
Director of Veterans Service Agency
District Attorney
Engineer III
Executive Assistant
Financial Analyst to Legislature
First Assistant County Attorney
First Assistant District Attorney
First Assistant Public Defender
First Assistant Social Services Attorney
First Deputy Director of Finance
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
Purchasing Agent
Purchasing Manager
Real Property Systems Coordinator/Assistant Director
Sanitation Supervisor
Sealer of Weights and Measures
Second Assistant County Attorney
Second Assistant District Attorney
Second Assistant Public Defender
Senior Personnel Technician
Senior Personnel Technician/Deputy Director of Human Resources

Senior Project Coordinator (Transportation)
Sheriff
Social Services Attorney
Special Assistant for Medicaid
Special Projects Coordinator
Supervising Clinical Psychologist
Undersheriff
Warden

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

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 10. Reporting Violations.

All County officers and employees are encouraged to report any instances of suspected or known violations of this Code. Reports may be made to a supervisor, or to the Chautauqua County Ethics Board, PO Box 13, Jamestown, New York 14702-0013. Making a report with knowledge that all or part of the information in the report is false is a violation of this Code and may result in penalties as provided herein.

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 Ethics Board 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 Ethics Board 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 Ethics Board, 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.

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

RES. NO. 5-17

Confirm Re-Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Vincent W. Horrigan, 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.

Rose Sebouhian
6 Ventura Circle
Fredonia, N.Y. 14063
Term Expires: 1/31/20

Signed: Scudder, Vanstrom, Whitford, Starks, Muldowney

RES. NO. 6-17

Confirm Re-Appointment - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive Vincent W. Horrigan, 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 Schmidtfrerick-Miller
2373 Erickson Rd.
Ashville, N.Y. 14710
Term Expires: 1/31/19

Signed: Wendel, Bankoski, Whitford, Tarbrake

RES. NO. 7-17

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

By Public Safety Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, County Executive, Vincent W. Horrigan, has submitted the following re-appointments to the Chautauqua County Legislature for action; now therefore be it

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

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

1st Battalion

Lawrence Barter
9 Pine Drive
Fredonia, NY 14063
Term Expires: 1/31/18

Jeffrey Griewisch
26 Burgess Street
Silver Creek, NY 14136
Term Expires: 01/31/18

Steve Lehnen
9791 Route 60
Fredonia, NY 14063
Term Expires: 1/31/18

Allen Parker
8562 Shumla Road
Cassadaga, NY 14718
Term Expires: 01/31/18

Brian Purol
3681 New Road
Dunkirk, NY 14048
Term Expires: 01/31/18

Christopher Wichlacz
3381 Tarbox Road
Cassadaga, NY 14718
Term Expires: 1/31/18

2nd Battalion

Al Akin
5984 Manor Drive
Chautauqua, NY 14722
Term Expires: 1/31/18

Lyle Holland
47 Clinton Street
Westfield, NY 14787
Term Expires: 1/31/18

Matthew Oehlbeck
159 Park Street
Sherman, NY 14781
Term Expires: 1/31/18

Mark Smith
9437 E. Main Road
Ripley, NY 14775
Term Expires: 1/31/18

Ronald Trippy
6755 S. Portage Road
Westfield, NY 14787
Term Expires: 1/31/18

Burl Swanson
6168 Wright Road
Dewittville, NY 14728
Term Expires: 1/31/18

3rd Battalion

Ronald V. Johnson
1265 Norby Road
Jamestown, NY 14701
Term Expires: 1/31/18

Jackson Knowlton
2141 Shadyside Road
Lakewood, NY 14750
Term Expires: 1/31/18

Sam Salemm
217 Dearing Avenue
Jamestown, NY 14701
Term Expires: 1/31/18

Randall Shampoe Jr.
690 Clymer-Sherman Road
Clymer, NY 14724
Term Expires: 1/31/18

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

Chet Harvey
200 Spring Street
Jamestown, NY 14701
Term Expires: 1/31/18

4th Battalion

Lance Hedlund
14 Dunn Avenue
Jamestown, NY 14701
Term Expires: 1/31/18

Lloyd K. Johnson Jr.
752 N. Park Street
Ellington, NY 14732
Term Expires: 1/31/18

Jeff Molnar
30 Main Street
Bemus Point, NY 14712
Term Expires: 1/31/18

Peter Samuelson
4696 Maple Grove Road
Bemus Point, NY 14712
Term Expires: 1/31/18

Greg Scott
3517 Cemetery Street
Kennedy, NY 14747
Term Expires: 1/31/18
Signed: Wendel, Bankoski, Whitford, Tarbrake

Barry Swanson
4870 Bayview Road
Bemus Point, NY 14712
Term Expires: 1/31/18

RES. NO. 8-17

Amend County Road System Map to Add CR 649 Precision Way

By Public Facilities Committee:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Precision Way, a 0.24 mile road in the Mason Industrial Park, is owned by the Chautauqua County Industrial Development Agency (IDA); and

WHEREAS, the County Department of Public Facilities has maintained this road since its construction in 1989; and

WHEREAS, New York State funding for maintenance of this road is not available unless the road is included on the County's Road System Map; and

WHEREAS, the Chautauqua County IDA has agreed to release ownership of Precision Way to Chautauqua County; therefore be it

RESOLVED, That the 0.24 mile road known as Precision Way, from CR 144 to the end, be added to the County Road System Map; and be it further

RESOLVED, That such road be identified as CR 649; and be it further

CHAUTAUQUA COUNTY LEGISLATURE

1/25/17

RESOLVED, That, pursuant to New York State Highway Law §115, a copy of the amended Map be filed in the offices of the County Clerk and the County Superintendent of Highways.
Signed: Hemmer, Nazzaro, Scudder, Wilfong

RES. NO. 9-17

Transfer DPF Administration Petty Cash from Checking to Cash

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolutions 102-54 and 164-87, the Department of Public Facilities has a petty cash fund in the amount of two hundred dollars (\$200.00), established pursuant to Section 371 of New York State County Law; and

WHEREAS, the petty cash is currently divided between a checking account, one hundred fifty dollars (\$150.00), and cash, fifty dollars (\$50.00), but the checking account is only minimally used; therefore be it

RESOLVED, That the Director of Finance be authorized to transfer fifty dollars (\$50.00) from Key Bank account number 625-70899-7 to the petty cash drawer, with the remaining one hundred dollars (\$100.00) surrendered to the Department of Finance; and be it further

RESOLVED, That going forward the Department of Public Facilities petty cash fund shall be in the amount of one hundred dollars (\$100.00).

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

RES. NO, 10-17

Close Accounts for Completed Department of Public Facilities Projects as of 12/31/16

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, The Public Facilities Department has notified the Department of Finance that the capital projects listed below have been completed or will be completed by December 31, 2016:

- H.1620-25787 – HVAC upgrades – MVL complex (2011),
- H.1620-25924 – Judge’s Parking Lot (2014),
- H.1620.680 – Ext Drainage – GOB/CH Cor (2009),
- H.5130.25874 – Admin Building Carpet replace,
- H.5130.657 – DPF shop maint facility (2007),
- H.5130.694 – Oil separator/sewer upgrd (2009),

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H.5130.695- Fuel storage del: Sheridan (2009),
H.5610.154 – Install Generator – Jmst (2014),
H.5610.238 – Mast Plan Up RW 24 (2008),
H.5610.25752 – Remove Arprt Obstruct- DNK (2010),
H.5610.25901 – Blower & Broom – JSTN (2014),
H.5610.25935 – Rehab Gen Aviat Apron – DNK (2014),
H.5610.25958 – Airport Study – Jmst (2015),
H.5610.25978 – Drainage Improvements – Dunkirk (2015),
H.5630.25824 – Surveillance Equip – Carts (2010),
H.5630.25825 – ADP Hardware – AVL & MDC
H.5630.25883 - BASE STA & REPTR UPGRADE (2012)
H.5630.25900 – Hopkins Lot Parking,
H.5630.25909 – Replace pressure washers (2014),
H.5630.25943 – Carts Flooring Replmnt (2016),
H.7110.25829 – Luensman Pavilion Roof (2013);

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of accounts, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.
Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

RES. NO. 11-17

Authorizing Public Hearing Regarding Modification of Improvements for Phosphorous Removal in the Treatment Plant of the North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:

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

WHEREAS, pursuant to Resolution 102-15, adopted after a public hearing held pursuant to County Law § 268 on May 27, 2015, the Chautauqua County Legislature found and determined that it was in the public interest to construct improvements for phosphorous removal at the treatment plant of the North Chautauqua Lake Sewer District (hereinafter referred to as the “District”) at a maximum cost of Two Million Eight Hundred Thousand Dollars (\$2,800,000), and by Order dated September 18, 2015, the Comptroller of the State of New York granted permission to the County and District to construct said improvements for said maximum amount; and

WHEREAS, subsequent to the adoption of Resolution 102-15, the New York State Department of Environmental Conservation (NYSDEC) issued a new State Pollutant Discharge

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Elimination System (SPDES) permit to the District identifying major revision to the limits for Total Residual Chlorine (TRC), which necessitates changes to the project scope design of the improvements to address the revised TRC limit; and

WHEREAS, also subsequent to the adoption of Resolution 102-15, the District has further identified a need for: (1) replacement of the existing emergency generator with a unit that can serve the entire treatment plant facility including the proposed improvements for phosphorous removal; (2) replacement of the existing original mechanical bar screen at the treatment plant; and (3) milling and repaving of the roadway at the treatment plant; and

WHEREAS, also subsequent to the adoption of Resolution 102-15, the District applied for and received a hardship funding award through the New York State Environmental Facilities Corporation (EFC) which will allow the District to receive interest-free financing for a term of up to thirty (30) years for the improvements to be constructed; and

WHEREAS, as a result of the changed circumstances described above, the Chautauqua County Legislature has received from the District Board a modified Map and Plan entitled “Basis of Design Report – North Chautauqua Lake Sewer District WWTP Phosphorous Compliance Upgrades,” dated January 10, 2017, (hereinafter referred to as the “Map and Plan”) prepared by O’Brien & Gere Engineers, Inc., an engineer duly licensed by the State of New York, with the request by the District Board that this Legislature call a public hearing thereon pursuant to County Law § 253-b and §268; now therefore be it

RESOLVED, That a public hearing will be held by the Chautauqua County Legislature at the Legislative Chambers, Gerace Office Building in the Village of Mayville, Chautauqua County, New York on February 22, 2017 at 6:45 o’clock PM, prevailing time, on the question of the adoption of the modified Map and Plan that includes the aforementioned changes to the improvements and financing of the District’s treatment plant project for phosphorous removal, and to take such action thereon as is required or authorized by law; and it is further

RESOLVED, That the proposed modified upgrades of facilities described in the modified Map and Plan is a Type II Action under Part 617 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), requiring no further action under the New York State Environmental Quality Review Act, being Article 8 of the Environmental Conservation Law of the State of New York; as follows:

- 6 NYCRR 617.5(c)(1) – maintenance or repair involving no substantial changes in an existing structure or facility;
- 6 NYCRR 617.5(c)(6) – maintenance of existing landscaping or natural growth;
- 6 NYCRR 617.5(c)(7) – construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities; and
- 6 NYCRR 617.5(c)(11) – extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list.

and be it further

RESOLVED, That the Clerk of the Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspapers of the County and to be transmitted by first class mail to each assessed owner of

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property within the district as their names and addresses appear on the current assessment roll not less than ten (10) nor more than twenty (20) days before the date designated for the hearing; and be it further

RESOLVED, That the Notice of Public Hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the County Legislature of the County of Chautauqua, New York, will meet in the Legislative Chambers, Gerace Office Building, Mayville, New York on February 22, 2017 at 6:45 o'clock PM, prevailing time, for the purpose of conducting a public hearing on the question of the adoption of the modified Map and Plan for the construction of improvements for phosphorous removal in the treatment plant of the North Chautauqua Lake Sewer District in said county that modifies the original Map and Plan previously approved by the Chautauqua County Legislature on May 27, 2015, with such modifications to the Map and Plan consisting of installation of ultraviolet disinfection technology to address major revisions to the limits for Total Residual Chlorine (TRC) under the District's State Pollutant Discharge Elimination System (SPDES) permit, along with the following additional items: (1) the replacement of the existing emergency generator with a unit that can serve the entire treatment plant facility including the proposed improvements for phosphorous removal; (2) the replacement of the existing original mechanical bar screen at the treatment plant; and (3) the milling and repaving of the roadway at the treatment plant. The estimated maximum cost of the improvements as modified would increase from \$2,800,000 to \$3,972,700, but due to the award of interest-free financing from the New York State Environmental Facilities Corporation, the maximum estimated annual cost to the typical single family home within the District will be increased by \$88 per year to \$466 per year, instead of the prior proposed increase of \$94 per year to \$472 per year previously approved on May 27, 2015. At such public hearing, the Chautauqua County Legislature will hear all persons interested in the subject matter thereof.
Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney

RES. NO. 12-17

Authorize Amendments FBO and Hangar Lease Agreement at the Chautauqua County/Jamestown Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, pursuant to Resolution 17-15, the County entered into a lease with Jamestown Aviation Company, LLC to continue its operation of a full-service fixed base operation (FBO) and hangar facilities; and

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WHEREAS, amendments to the terms of the agreement have been negotiated with Jamestown Aviation Company, LLC and a public hearing pursuant to Article 14 of the General Municipal Law has been held; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute amendments to the agreement with Jamestown Aviation Company, LLC (“JAC”) to include substantially the following amended terms and conditions:

1. Term. Fifteen (15) year term ending December 31, 2029 (*current agreement has a five-year term with JAC having an option to renew for two (2) additional five-year terms which also end December 31, 2029*).
2. Termination. JAC may terminate with or without cause on two (2) years’ notice if the Jamestown Airport has commercial air passenger service, or one (1) years’ notice if the Jamestown Airport does not have commercial air passenger service (*current agreement allows JAC to terminate on six months’ notice at each five-year anniversary date*).
3. Rent and Commissions. Rent of six thousand dollars (\$6,000) per month to be increased annually by two percent (2%), with no additional commissions (*current agreement provides for rent of \$3,700 per month of which \$2400 is subject to a 2% annual increase and \$1300 remains fixed; additional County commissions of 2% on Jet A fuel, 1% on all other fuel, 10% on hangar rents, 25% on parking and tie-down fees, and 90% on landing fees collected by FBO*).
4. Other. As negotiated by the County Executive.

Signed: Hemmer, Scudder, Wilfong (PF: Nazzaro voting “no”)

Chagnon, Muldowney (AC: Failed – Nazzaro voting “no”) (3 member Committee)

RES. NO. 13-17

Close Accounts for Completed IT Capital Project as of 12/31/16

By Public Facilities and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, The IT Department has notified the Department of Finance that the capital project listed below has been completed or will be completed by December 31, 2016:

H.1680.20942 – Time & Attendance Upgrade (2014);

now therefore be it

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RESOLVED, That the Director of Finance close out the account listed above for any further expenditures as of the year ending December 31, 2016 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 the appropriate Fund or Reserve for Capital.

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

RES. NO. 14-17
2016 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2016 Hazmat Grant Program which runs from September 1, 2016 through August 31, 2019; and

WHEREAS, the 2016 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Resolution 248-16 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.2	Equipment – HazMat	\$60,447
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INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$60,447
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Signed: Wendel, Bankoski, Whitford, Tarbrake, Chagnon, Nazzaro, Muldowney

RES. NO. 15-17
Close Capital Project H.3110.511

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, Resolution 152-91 designated the balance of proceeds from the sale of one Hiller 12E helicopter for the repair and upkeep of County helicopters and established a separate account for such purpose; and

WHEREAS, these and subsequent proceeds also designated for the repair and upkeep of County helicopters are included in capital project H.3110.511; and

WHEREAS, the unspent balance in account H.3110.511 at the end of 2016 is \$38,095; and

WHEREAS, this account can now be closed and a new account established at such time additional repairs are necessary; now therefore be it

RESOLVED, That the Director of Finance close out account H.3110.511 for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of accounts that the Director of Finance is authorized to defer and designate the balance of proceeds from the sale of equipment in account H.3110.511 for future repairs and upkeep of County helicopters and any other surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Wendel, Bankoski, Whitford, Tarbrake, Chagnon, Nazzaro, Muldowney

RES. NO. 16-17

Reallocate Budget and Adjust Revenue and Appropriation Accounts to Consolidate Grant Awards Into One Sub-Department

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Office of the Sheriff receives numerous grants each year and it would be advantageous to consolidate all grant awards into one sub-department; and

WHEREAS, some grants were awarded after the 2017 budget was adopted; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3110.GRNT.1	Personal Services - Sheriff Grants	\$	118,440
A.3110.GRNT.8	Employee Benefits - Sheriff Grants	\$	34,484
A.3110.GRNT.3	Equipment - Sheriff Grants	\$	113,181
A.3110.GRNT.4	Contractual - Sheriff Grants	\$	<u>200,624</u>
		\$	466,729

DECREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services - Sheriff	\$	41,135
A.3110.----.8	Employee Benefits - Sheriff	\$	1,483

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A.3315.----.1	Personal Services - STOP-DWI	\$	14,852
A.3110.----.4	Contractual - Sheriff	\$	13,082
A.3315.----.4	Contractual - STOP-DWI	\$	<u>17,733</u>
		\$	88,285

INCREASE REVENUE ACCOUNTS:

A.3110.GRNT.R438.9BMB	Federal Aid - Bomb Detection	\$	201,086
A.3110.GRNT.R338.9000	NYS Aid - Other Public Safety	\$	10,692
	Federal Aid - Explosive Detection		
A.3110.GRNT.R438.9K9T	Canine Team	\$	20,000
	NYS Aid - Other Public Safety: Live		
A.3110.GRNT.R438.9LVS	Scan	\$	46,800
	Federal Aid - Operation Stone		
A.3110.GRNT.R438.9OSG	Garden	\$	95,362
A.3110.GRNT.R438.9PSC	Federal Aid - Port Security	\$	37,089
A.3110.GRNT.R432.0000	Federal Aid - Crime Control	\$	26,700
A.3110.GRNT.R438.9000	Federal Aid - Other Public Safety Aid	\$	<u>29,000</u>
		\$	466,729

DECREASE REVENUE ACCOUNTS:

A.3315.R338.9000	NYS Aid - Other Public Safety	\$	32,585
A.3110.R432.0000	Federal Aid - Crime Control	\$	26,700
A.3110.R438.9000	Federal Aid - Other Public Safety Aid	\$	<u>29,000</u>
		\$	88,285

Signed: Wendel, Bankoski, Whitford, Tarbrake, Chagnon, Nazzaro, Muldowney

RES. NO. 17-17

Adjust Appropriation and Revenue Accounts due to Unbudgeted Revenues and Expenditures

By Public Safety and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, within the Sheriff's organization, some expenses exceed and some expenses are less than initial budgetary estimates; and

WHEREAS, within the Sheriff's organization some revenues are expected to exceed budgetary estimates; now therefore be it

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

INCREASE REVENUE ACCOUNTS:

A.1162.1110.R226.0000	Shared Services - Chrgs: Oth Gov-Pub Safety	\$	65,010
A.3110.R266.5000	Sale of Property – Sale of Equipment	\$	20,000

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A.3110.R268.0000	Sale of Property – Insurance Recoveries	\$104,000
A.3110.R277.0000	Miscellaneous – Other Unclassified Revenue	\$ 18,000
A.3189.MEDI.R158.9001	Departmental Income – Oth PS Inc: Medi-Vac	\$ <u>31,500</u>
		\$238,510

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1110.1	Personal Services – Court Officers	\$ 41,748
A.1162.1110.4	Contractual – Court Officers	\$ 9,808
A.1162.1110.8	Employee Benefits – Court Officers	\$ 13,454
A.3020.DISP.1	Personal Services – Consolidated Dispatch	\$ 44,370
A.3020.DISP.5	Fixed Contractual - Consolidated Dispatch	\$ 135
A.3020.TECH.4	Contractual – Technical Services	\$ 2,000
A.3110.----.1	Personal Services – Sheriff	\$117,096
A.3110.----.8	Employee Benefits – Sheriff	\$142,000
A.3189.3112.8	Employee Benefits – Snowmobile	\$ 3,000
A.3189.MEDI.8	Employee Benefits – Medi-Vac	\$ 31,500
A.3315.----.8	Employee Benefits – STOP DWI	\$ <u>10,000</u>
		\$415,111

DECREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4	Contractual - Consolidated Dispatch	\$ 135
A.3020.DISP.8	Employee Benefits - Consolidated Dispatch	\$ 44,370
A.3020.TECH.1	Personal Services – Technical Services	\$ 2,000
A.3110.----.4	Contractual – Sheriff	\$117,096
A.3189.3111.8	Employee Benefits – Navigation	\$ 3,000
A.3315.----.4	Contractual – STOP DWI	\$ <u>10,000</u>
		\$176,601

Signed: Wendel, Bankoski, Whitford, Tarbrake, Chagnon, Nazzaro, Muldowney

RES. NO. 18-17

Amend Chautauqua County Department of Health & Human Services 2016 Budget for Increased Child Care (Foster/Institutional) Costs

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, 2016 expenditures for foster and institutional child care are now projected to be in excess of the budgeted amount; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, foster and institutional child care costs are funded at an average of 38% by Federal funding and 23% by the State of New York; therefore be it

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

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INCREASE APPROPRIATION ACCOUNT:

A.6119.4 Contractual – Child Care (Foster/Institutional) \$220,000

DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin \$ 85,800

INCREASE REVENUE ACCOUNTS:

A-6119 R361.9000 NYS Aid - Child Care \$ 50,600

A-6119 R461.9000 Federal Aid - Child Care \$ 83,600

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

RES. NO. 19-17

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped
Preschool Education Tuition Costs

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, 2016 expenditures for handicapped preschool tuition are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special Education Program, new contracts, and increased reliance upon services provided outside of Chautauqua County; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, expenditures for handicapped preschool tuition are funded at 59.5% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.2960.TUIT.4 Contractual –Ed. Handicapped Children- Tuition \$250,000

DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin \$101,250

INCREASE REVENUE ACCOUNT:

A-2960.4410 R327.7000 State Revenue - Ed Handicapped Children \$148,750

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

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RES. NO. 20-17

Amend Chautauqua County Health & Human Services 2016 Budget for Increased Handicapped
Preschool Education Transportation Costs

By Human Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, 2016 expenditures for handicapped preschool transportation are now projected to be in excess of the budgeted amount due to the increased number of children in the Preschool Special Education Program, new contracts, and increased reliance upon services provided outside Chautauqua County; and

WHEREAS, 2016 contractual expenditures for Social Services Administration are now projected to be lower than the budgeted amount; and

WHEREAS, transportation expenditures for handicapped preschool transportation are funded at 59.5% by the State of New York; therefore, be it

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

INCREASE APPROPRIATION ACCOUNT:

A.2960.TRAN.4 Contractual – Ed. Handicapped Children-Transportation \$30,000

DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4 Contractual- Social Services Admin \$12,150

INCREASE REVENUE ACCOUNT:

A-2960.4410 R327.7000 State Revenue - Ed Handicapped Children \$17,850

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

RES. NO. 21-17

Authorize Extension of Lease Agreement for Department of Planning & Economic Development
at the BWB Center

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, the Chautauqua County Department of Planning and Economic Development (CCPED) and Chautauqua County Industrial Development Agency (CCIDA) have shared office space for many years; and

WHEREAS, CCPED and CCIDA relocated to the BWB Center in downtown Jamestown, a higher profile area that portrays an improved business image and better serves clients; and

WHEREAS, the County entered into a lease agreement with CCIDA for such office space at the BWB Center; and

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WHEREAS, 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 County Industrial Development Agency for office space in the BWB Center on substantially the following terms and conditions:

1. Premises: 1,500 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
 2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$9,867.96 to be paid monthly at a rate of \$822.33 per month beginning in January of 2017.
 3. Utilities: Landlord to pay utilities.
 4. Term: Twelve months commencing on January 1, 2017 and terminating December 31, 2017 subject to termination by prior notice.
 5. Other: As negotiated by County Executive.
- Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

RES. NO. 22-17

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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, 2017 through December 31, 2017.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

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RES. NO. 23-17

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 Vincent W. Horrigan:

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 6 and Section 6.01 of the Chautauqua County Administrative 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 No/100 Dollars (\$125,952.00).

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

RES. NO. 24-17

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 Vincent W. Horrigan:

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

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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: Chagnon, Odell, Starks, Nazzaro, Muldowney

RES. NO. 25-17

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Attraction and Development of Tourism Related Businesses

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

WHEREAS, Chautauqua County is known for its rural charm, agriculture, and natural amenities, and has a vibrant tourism economy; and

WHEREAS, the County unanimously adopted its County Comprehensive Plan (*Chautauqua 20/20*) in 2011 which advocates for the preservation and promotion of its natural resources; and

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and the Chautauqua County Department of Planning and Economic Development (CCPED) are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; 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 County of Chautauqua Industrial Development Agency in the amount of \$50,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

RES. NO. 26-17

Close Accounts for Completed Planning & Development Capital Projects as of 12/31/16

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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WHEREAS, The Planning and Development Department has notified the Department of Finance that the capital projects listed below have been completed or will be completed by December 31, 2016:

- H.6420.530 – South Co Industrial Park (1986),
- H.6420.540 – Scattered Site Development (1995);

now therefore be it

RESOLVED, That the Director of Finance close out the accounts listed above for any further expenditures as of the year ending December 31, 2016 and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of accounts, any surplus or deficit be adjusted to the appropriate Fund or Reserve for Capital.

Signed: Chagnon, Odell, Starks, Nazzaro, Muldowney

RES. NO. 27-17
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:

At the Request of County Executive Vincent W. Horrigan:

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	Munic.	S/B/L	Purchaser	Offer Amount	Taxes Owing
QC-106-2016	C/Jmstn.	060800-387.15-8-22	Father Judge Apostolic Land Co.	\$ 300.00	\$ 4,668.62
QC-107-2016	C/Jmstn.	060800-387.15-8-23	Father Judge Apostolic Land Co.	\$ 300.00	\$ 178.08
				\$ 600.00	\$ 4,846.70

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

**CHAUTAUQUA COUNTY
MOTION NO. 1-17**



TITLE: Proclaiming February Black History Month

AT THE REQUEST OF: Chairman David Himelein:

WHEREAS, the idea to observe and honor the accomplishments of Black Americans was first established as Negro History Week in 1926 at the suggestion of one of the greatest Black historians of all time, Dr. Carter Woodson; and

WHEREAS, February was first proclaimed Black History Month in 1979 and sponsored as such by the Association for the Study of Afro-American Life and History; and

WHEREAS, Black Americans contributed to the development of Chautauqua County as slaves and as free men and women since the county's inception and continue to contribute to the richness and vitality of our County community today; and

WHEREAS, the observance of Black History Month affords the special opportunity to become more knowledgeable concerning our Black heritage in this County and our country and to honor the many black leaders who have contributed to the progress of our nation; and

WHEREAS, the knowledge and awareness of the many and varied contributions of Black men and women can strengthen the insight of all our citizens regarding the issues of human rights, the great strides that have been made in the crusade to eliminate the barriers to equality for minority groups, and the continuing struggle against racial discrimination and poverty; therefore be it

KNOWN, The Chautauqua County Legislature, with great pride, hereby proclaims February 2017 Black History Month in Chautauqua County; and let it be

MOVED, The County Legislature urges all residents to familiarize themselves with the significant contributions made by Black Americans in the field of science, industry, religion, entertainment, and others, and to join together to make this a period when all of us rededicate ourselves to the principles of justice and equality for all people.