

Regular Legislative Meeting
Wednesday, August 26, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. Absent: Huckno

Legislator Runkle delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Cafilisch, SECONDED by Legislator Gould and duly carried, the minutes were approved. (7/29/09).

1st Privilege of the Floor

Jane Conroe, 4741 Whiteside Parkway in Maple Springs. I am here this evening representing myself mostly, as an individual volunteer for the County. I also feel like I do have quite a few responsibilities in other organizations. Please forgive me, I am going to read part of the comments I organized for this evening. First, as a writer of a 2% grant, for the Maple Springs Improvement Committee project to reinforce and vegetate some common land in Maple Springs, I thank you for your financial support for that 2% project. The people of Maple Springs have watched 9 acres of land disappear in Chautauqua Lake every year from that area and hopefully the structures that will be put in place will stabilize that section, a very small section of the lakeshore. I can not state loudly enough that the large problems that we face, can be solved by small actions of a few people. Some of those few people are here tonight from Maple Springs to help support you tonight as you make some proper and I hope correct decisions. Because now you, the Legislators, are the few people who can make a difference.

Secondly, I ask you to please pass the resolution that will be put before you tonight to regulate the sale of phosphorus lawn fertilizer. With Doug Conroe, I have tested each basin in Chautauqua Lake eight times every summer for the last 22 years. We receive a CSLAP report, that is the organization that we represent, from the New York State DEC every year. The April 2008 report, stated, "phosphorus levels have risen in both basins since the last 1980's". Chautauqua Lake is on the New York State DEC's propriety water body list for impairment due to phosphorus and it's been on that list since 1996. In the 2008 CSLAP report, it further states that the CSLAP data suggests that that listing is in fact warranted. "Surface phosphorus readings regularly exceed the State's guidance value for lakes used for contact recreation, swimming." In case you have not yet received it, today, the County Health Department issued an advisory for swimming in Chautauqua Lake due to a blue/green alga bloom. Why did that bloom or those blooms occur? Too much phosphorus is the answer and possibly nitrogen too.

Documents that you have financially supported in the past have given suggestions like; remove nutrients from the lake. That is the 200 Management Report. Programs to reduce nitrogen's and phosphorus input should begin or continue and the way that they should be done are things like banning phosphates in dish soaps, require uniform erosion

laws, that is from your State of the Lake report. Limiting increased nutrient loading to the lake from the watershed and recognizing the toxic consumes, would be prudent. Quoted from the Bob Johnson 2007 aquatic plant report that you also provided money for.

In 1977 Chautauqua Lake studies indicated that the critical value for phosphorus loading to avoid severe alga blooms was 14,647 kilo grams per year. That would go into the north basin. For the south basin, 5,000. Let me tell you how much really went into the lake. Over 27,000 kilo grams per year. Remember the CSLAP reports are also telling you that those numbers are increasing each year. By the way both of those figures far exceeded the State recognized limits.

You have a chance right now to stop the source of phosphorus in the lake by your vote. It is a small action now, no one else can do it. By the way, it won't cost any money.

Let me also remind you that money that provided this information this information to you, came from the CSLAP program and Bob Johnson. You helped finance that information by supporting the Chautauqua Lake Association because that is the source of both of those sources information. The analysis of the samples is expensive and it is Bob and us, our work that provides it to you. Please, continue financing the Chautauqua Lake Association because of the work that they have already done and I will tell you that you will get no more bang for you buck, than with Bob Johnson. He is a fabulous resource to this area.

Tonight you also have a chance to consider whether or not the Watershed Conservancy's project of a 25 acre wetland can also be preserved. The purpose of 2% bed tax dollars, as you well know, is to protect waterways and there is no cheaper way than to preserve the land. Wetlands worldwide are valued over (*inaudible*) of dollars. Because of the services they provide, how else would you pay to filter the water that falls there, remove the phosphorus and nitrogen that is already there, protect the shoreline erosion, hold that sediment and oh, by the way, prevent floods at the same time. Traditionally that piece of land produced \$731. tax dollars to the County every year. Those tax dollars are willing to be paid for this by the Chautauqua Watershed Conservancy. Speaking not for myself here but I am also speaking for the Watershed Conservancy members that are represented. Those folks know that it is a lot cheaper to paint the house than to restore it once its rotted. My metaphor is, it's a lot cheaper to preserve that land now while it is giving you a huge value than to let it go and let the watershed around it, decay. Please protect it, please protect our waterways by preserving that land.

I also didn't mention that earlier today, I wanted to show you the water from Bear Lake and the water from Cassadaga Lake. (Showed Legislature to bottles of lake water). If you look at the water, the clarity through that, it's not bad. Both of those lakes today are in pretty good shape according to my evaluation and really today it's just visual. However, I brought you water also from Chautauqua Lake. This is Maple Spring's creek today and this is a public beach in Maple Springs today. This is the reason why that health advisory was put out. It was because of this blue green alga scum that is now there. Why is it there? Because of phosphorus. Please understand that I would like you to understand blue scum algae, but not because it is just nasty looking. It is number one, a health hazard, it is number one going to be a reason why you are going to see a lot more of it if you do not help support the organizations that are already keeping this under control and trying their very hardest. You also need to understand that the money that will support those organizations will do something else, educate people that we need to

help in this process. Remember, I said a few people earlier. Another thing that that algae scum will do is increase if in fact we don't change the things that we need to do. But remember we started this by talking about tax dollars. I am going to remind you one more time, that the tax dollars that we all need for all of these projects, come from those same people that want to use this space and when they use this space and it has on it, they will not be back here. So please understand, fewer dollars, I am afraid will effect all of us if the tax dollars aren't there. Fewer dollars, that I think the health of our people, not only our visitors but our own residents, are critical. Phosphorus and saving the land around the watershed are two huge ways to help and neither of them cost very much money. Thank you.

Mr. Chris Yates, I am the President of the Chautauqua Lake Association. I am here representing the Chautauqua Lake Association this evening. First and foremost, I want to thank the Legislature and the County Executive for their support during 2009 without which we could not have conducted our very valuable work to date. We've extracted 10,000 tons of sub-aquatic vegetation. That does not include numerous fallen trees, limbs, and other debris that have accumulated along the shorelines of our beautiful Chautauqua Lake. That tonnage is equivalent to about 20 million pounds. The (*inaudible*) that we removed would cover 13 professional football fields, one foot in depth. The weight of 20 million pounds is equivalent to the weight of the Eiffel Tower in Paris, France.

When we started in 2009, we had to take a strategic decision and that was that we had to dry dock two of our barges, two of our harvesters and one of our barges. At this date, we are anticipating a loss in our operations in the order of \$30 to \$50,000. This will be the third consecutive year that we have had to operate at an operating deficit. We required capital funds to make capital equipment purchases through the kind generosity with private foundations throughout this County. We continue to be supported by approximately one third of our operating budget being covered by private donations. We have not always been at the well or drinking at the trough, but we've become dependant on the funding by this County for (*inaudible*) but our work. Sadly we learned yesterday that the State of New York, because of the crisis of our financial straights in this State of New York, is only going to be able to fund \$25,000 out of the \$50,000 annual contract that we had in place for the past several years. That, plus a continued cost of operations that can't be met by strictly private donations, (*inaudible*) this in a very serious financial situation as we look upon our plans for 2010.

We've been asked to submit request to the Legislature in two forms this year for our funding in 2010. The first one is through the Waterways project funding under the 2% occupancy tax. Regrettably, a \$165,000 of project funding, didn't rank well. We knew that they wouldn't. The ranking, the criteria that was established did not provide for operating entities such as the Chautauqua Lake Association. So, regrettably, we had to turn to our second source of funding which would request, under the budget request of the Chautauqua Lake Management Commission. I learned earlier today that the budget request which included that same \$165,000. which by the way covers, \$85,000 for additional shoreline cleanup, \$35,000 for additional harvesting, and \$45,000 for Dr. Johnson's work through Cornell University are not included and are not planned to be funded as it currently stands under the County's budget. The impact of these realities is

all to clear to us at our Board of Directors of the Chautauqua Lake Association, and very sad of what the impact might be, should the County not be able to fund this \$165,000. We've enjoy and thank you for your continued support of the \$35,000 which we have in place on the contractual basis for the harvesting of sub-aquatic vegetation. Regrettably though, if we are not able to fund the \$165,000, we're faced with a couple of alternatives. One is to accept graciously as we conform to the (*inaudible*) contract terms, provide the services called for under that contract for \$45,000 of work and benefit the residents of Chautauqua County. To then to see if we have sufficient funds to do any more work. Secondly, to then consider, do we do work on a contract basis privately? Can someone come to us and contract to have the area immediately in front of their property cleared form debris in case of shoreline of sub-aquatic vegetation in the case of so called weeds. Thirdly is a very regrettably decision we might have to face and that is to dry dock our entire fleet. Before that, I think what we're suggesting is to come to you all with a proposal that you either buy or lease our extensive specialized equipment for the harvesting of sub-aquatic vegetation removal, transport barges, and our vehicles, at book value or some negotiated lease arrangement. You take over the operations of the lake stewardship that we have been providing for over 60 years. I would seriously ask that the Legislature and the County Executive find a way that this important funding be preserved for us. If we are not able to at the same level we operated this year, provide these very valuable necessary services, until the results of the Chautauqua Lake Management Plan are known and recommendation and strategies are established and importantly funding for those strategies is in place, I believe, and I believe our membership and our board are of mind, that our presence and our work is necessary. It's not a, it's nice if we can do it, too bad if you don't, it would take three short months next summer to see if this very valuable resource that we all know and love and some of us even grow up around, would be clogged, un-navigable, unsafe, and highly undesirable to our residents, to our perspective homeowners of purchases who would become taxpayers and certainly to tourist who might come to (*inaudible*) on our beautiful Chautauqua Lake. Without our work, the overall economic health I believe of Chautauqua County will stand in jeopardy. I sincerely ask that you work with the County Executive to find a way that you can provide this necessary funding. We're not looking for acquisition of new equipment, we are not looking to increase the size of our head count. In fact, I am very proud of the fact that Paul Swanson, our general manager, and our staff (*inaudible*) head count that is about 25% below the past several years. We've operated that equipment, even with some mechanical breakdowns and unforeseen circumstance, and have done what I think is a tremendous job in what has been a very debilitating and challenging summer. You only have to look out side and see. It is not easy doing the work, the young men and woman that populate our workforces are out there in all kinds of weather. Sometimes (*inaudible*) too. Please, please, help save our beautiful Chautauqua Lake, this precious jewel that we have in Chautauqua County so that the implementation and recommendation of the Chautauqua Lake Management Plan can become known, studied, and then the funding sources for those recommendations be sought, found, and provided. I thank you very much for your attention.

Mr. Timothy Olson. I made the drive up from Warren, Pennsylvania tonight. You might ask, why would I do that? Well, it's because you send me water. We're in the same watershed folks. What goes down the Chadakoin, goes down the Conewango, goes down

the Allegany, goes to Pittsburgh, and down the Mississippi. If I might, I would just like to tell Mrs. Conroe what a wonderful job she has done at presenting these samples here. I spent 28 years at Cummins. I am now retired. I am a retired quality engineer. I earn my living doing sampling. I can tell you, this is not good. This should concern everybody in here. For the sake of your children and your children's children down the road, this is serious. So, on behalf of what is down stream, the people living down stream in the watersheds that are directly impacted by what goes into this lake and everything upstream of the lake, and behalf of the sportsman of Chautauqua County, Warren County and all points south, please, please take all of this information and this data, we want to be a data based decision process here, I think that you have some pretty good sampling. Go out and take some more. I am sure that it is going to be there tomorrow. Please take all this information to heart and make it a matter of your deepest concern because we are deeply concerned for this watershed. Thank you very much for your time and consideration.

I'm Nancy Bargar, I live at West Terrace Avenue in Lakewood and own property in the lakeside community of North Harmony and Chautauqua Institution. I particularly want to remind you that although I speak for myself. I am a trustee at Chautauqua Institution for seven years. I have been working on this board to try and keep people coming back and as you know, very frequently, the Institution has been a model of composting. Mrs. Kindberg knows that. We have worked together on that. It has been a model for many things because it is a gated community. But right now, (*inaudible*) and the Institution is in the process of creating its next strategic plan. The things that we've been working towards for the year 2018. In the strategic plan, a number of us, I would say a critical mass of the board have put in language related to the green economy and to keeping the environment what it should be and something that we can be proud of. So, I implore all of you to help us and particularly, somebody like me, who lives here year round, I do my best in the summer months and during the season to promote our lake. I know that John Jablonski would be the first to tell you that the growth in the Chautauqua Watershed Conservancy is very much tied to the efforts of Chautauqua Institution visitors signing up as members and bringing the membership to a real critical point (*inaudible*) do things and listen to and heard and raise money. The drinking water for Chautauqua Institution comes directly from Chautauqua Lake. I tell you, tonight, they are all (*inaudible*) but if they were here looking at this, I think that they would be very embarrassed. Thank you.

My name is Dave Edwards and I am with the Chautauqua County Farm Bureau in which I am the Vice President. We would like to see this lawn fertilizer restriction be tabled until the Chautauqua Lake Management Commission report comes out at the end of the year along with its recommendations. It has a whole series of recommendations of which part of it is lawn fertilizers. We have concerns with some of the definitions of the regulations. Number three of the definitions, lawn fertilizer means commercial fertilizer distributed primarily for non-farm use, such as lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses and nurseries need to be eliminated from this. This is a commercial business where they actually use one of the three big plant phosphorus actually to grow the plants. So that needs to be eliminated from the definition of lawn fertilizer.

According to the Chautauqua Lake, State of the Lake report, home fertilizers impact was apparently minor. Careful homeowner's behavior could keep it a minor issue as far as phosphorus being leached into the water systems. The biggest issue was dish washing detergent. Gray water discharged poses a greater impact than lawn fertilizer. Three thousand households along the lake washing 200 times a year, produce 3 grams of phosphorus per wash, or equals 19 kilo grams per year which amounts to 66% of the sewage phosphorus load in their sewage. I believe our major impact of phosphorus in our lake comes from municipalities dumping our their sewage into the lake.

In a study that was done in An arbor, they actually banded the lawn fertilizer and here is the conclusion. It would be attempting to conclude that phosphorus reductions were caused by the implementation of the ordinance and that they may indeed be the case. However the ordinance was enacted in the context of public education. Efforts that encouraged citizens to be more mindful of yard waste discharges into storm drains, to exerts diligence regarding bumper stripes along vegetation, stream banks, and exhibit more environmental awareness in general. These multi facets efforts make it difficult to isolate a single cause for the changes in the reduction of phosphorus in their streams. But the conclusion measurements are certainly in (*inaudible*) in the watershed as well as others but initial result (*inaudible*) base find data be 25% or more in the changes at 28%. Basically what they are saying is, they had more educated public that helped reduce the phosphorus.

One of the ways that we feel that you can reduce some of the phosphorus in the streams is by adding to the Soil & Water budget to help with the stream bank erosion. A lot of the streams that run into the lake have erosion along their banks. If we can grant more money into the Soil & Water people, we can get more bang for our buck as far as reducing our soil and phosphorus levels into the lake.

My name is Tim Bigham, I am (*inaudible*) advisory with New York Farm Bureau and I am here regarding the phosphorus issues as well. I think first of all, I would like to reference February 19th of last year, Public Facilities Committee meeting in which the committee seemed to by the comments, intend to set the example as the County Legislature on County lands, County parks, etc., for the discontinuation of phosphorus containing fertilizers. Rather than, setting a law. Rather than mandating, they decided the intent was going to be, lets try to promote this voluntarily. I don't know if people didn't follow the example or what, but, I don't know why you are discontinuing what you started last year.

Second point that I would like to make is, there are flaws in this law. Dave had pointed out that the nurseries and greenhouses are included. The State Right to Farm Law, would supersede this law as far as nurseries and green houses to use that kind of fertilizer. So, something needs to be patched up with that issue before a law such as this would be passed.

My third point that I would like to make. I will turn to Exhibit A. As compelling as these four bottles are, these are not scientific. They were pulled from water bodies by an individual. I don't think is a scientist.

Mrs. Conroe: I am a scientist.

Mr. Bigham: Did you use –

Chairman Ahlstrom: Sir, would you please address the Legislature.

Mr. Bigham: I don't know if she used scientific methods to pull them or not, I am not sure but, doing this scientifically and using the studies that have been produced, and again, what Dave said, the study that the Chautauqua Lake Management Commission is putting forth, would be preferred. I would just encourage you to consider the impacts. I know in this law the intent is to protect agriculture or to exclude agriculture from these things. It's throughout the law that you want to do that. I would just be careful and make sure that that is actually what does happen. You have a fundamental base in this County of farmers that are not just your bread producers in this County but there are also volunteers in your communities, also the hard working group of people that really are the fundamental basis of communities. Not that there aren't others obviously, but farmers are at the core of that. I want to make sure that that is protected from Farm Bureau standpoint. We want to make sure that agriculture is considered in this and taken very seriously. I thank you for your attention and appreciate the time.

My name is John Gullo, 221 Central Avenue, Fredonia, N.Y. I would like to address you briefly with respect to Res. 168-09, which is the distribution of the occupancy tax to various organizations. I want to start out by saying, I certainly in no way, would ever want to show any disrespect or anything to the organizations that are on the proposed distribution list. I am sure that they are all wonderful projects. However, I note a disparity that I think this Legislature needs to address, if not now, in the future. The distribution of these funds appears to be slanted. It appears to be going in a disproportionate share to part of the County, to the detriment of another part. That part being the north County in this particular year. I am not one to engage in the north County/south County war in any way. On the other hand, the collection of these taxes is Countywide and the distribution needs to address that there are good projects on the south County and good projects in the north County that deserve our funding. If there were no legitimate, valid, important projects that had come in from the north County, that would be one thing, that would be perfectly o.k., but I am aware of their being at least one project that was not funded in the proposed list, that being Festival Fredonia. Festival Fredonia does a lot of nice things and I would belabor the point. They have an application before you. I would like you to consider amending your distribution list and take into account that application. It is only one little thing that goes to correct a little bit of disparity. The percentage of disparity might be open to some discussion, but there appears to be a rather large disparity this year and I think that needs to be addressed by this Legislature. Perhaps in its rules with respect to how the advisory committee reaches its goals, reaches the numbers it reaches. Perhaps they need to be given a little more direction with respect to that north county/south county issue. Thank you.

Mr. John Jablonski, 213 Spruce Street, Lakewood, N.Y. and speaking as an individual. I am representing the Chautauqua Watershed Conservancy. First I would like to commend the Legislature for considering this phosphorus legislation tonight. I would agree with Mr. Bigham that, like the Farm Law, really exempts agriculture activities from

this law, so I think you should not be concerned about that. He points out where the (*inaudible*) 28% be caught in the waterways after a while (*inaudible*) it was in partnership multi faceted effective educational approach in addition to the regulations. You can look at several initiatives around the country. If you look at (*inaudible*) for instance, we had a lot more (*inaudible*) of 60's and 70's than we do now and we have a lot less because of the multi facet approach taken were (*inaudible*) were strengthened, enacted the bottle bill, and it's the combination of strong educational programs, a lot of public education and changing the public's mindset through both education and regulatory approaches.

I think this phosphorus regulation, you have something that has been enacted and has been proven to be successful in other areas around the country where there is a measureable 18 to 28% drops in the phosphorus going into the waterways. Where it has been most successful has been in combination with an effective educational approach which the conservancy has been providing for several years through our initiatives such as our Shed Sheet and the blue and white signs that you see all around Chautauqua Lake and some of the other lakes. So, I would urge you to move ahead with that tonight and do something really effective for (*inaudible*) which is desperately needed.

Secondly, I would also encourage the Legislature to adopt the original recommendation of the waterways panel. You have set up an effective process, utilizing County experts to determine the projects, put before the County that will have the most impact on improving our waterways and I would encourage you that you follow the list of projects that was presented to the County Legislature's Planning and Economic Development Committee rather than as amended by that committee. Thank you.

Mr. Douglas Conroe, I live in Maple Springs, the community on the shoreline of Chautauqua Lake. I happen to be associated with another speaker here tonight and very proud to be associated with. I am the senior so I'm a little bit more outspoken. She is a mediator of the group, so I tend to say things a bit more direct which I am going to do. I am here tonight because of two items on your agenda,. The phosphate legislation and the 2% money for the waterways.

Nutrient loading of our waterways is a serious matter. It's a very serious matter. We've reached a turning point where going backwards to having good water can be questionable. It is going to take everyone doing everything to keep ourselves, especially on Chautauqua Lake, like the other lakes. No single action is going to make the difference. It's going to be a combined action of all of us doing everything we can. This legislation is part of that effort. It's a necessary part. If we all don't do something, we're not going to achieve success. So we have to look at the picture a bit differently. The sewer plants have to treat for nitrogen removal and phosphorus removal. They will tell you that it is not going to make a difference if we do it. Well, if we pass this legislation, if they treat for removal, if we do land conservation, if we do other actions, if everyone does something, and it goes together, it will work and this doesn't have to happen. (Showing sample of lake water). We can still stop this. We've had two or three summers of this now in various locations. It's just reaching the north basin and it's coming in the south basin. We very much can do that. The sampling that was done and this was a quick one for you, the sampling that Jane and I have done over the years is under the direct supervision on the Department of Environmental Conservation. We've done it for a decade and a half now and we've achieved a reputation such that the Department of

Health came to us a couple of years ago and said will you sample for arsenic? We did that. This year, the Department of Health came to us and said, will you sample for blue green algae? We did that a week or two ago and we did it again this week and the results of our work is what caused Bill Boria to put out the public press release today saying be careful about swimming in Chautauqua Lake because it is done scientifically, it's done credibly and the labs that we use are the Watsworth Lab which you heard about in the west Nile, with the different viruses and Syracuse labs. Nutrients and phosphates must be addressed by everyone. The commercial to be exempt, doesn't hack it. If you know where I work, you know that I am in charge of the gardens at that place. We have two green houses. Our gardens, our greenhouses are fertilized with organic fertilizer. It can be done. There are other options on the commercial side. So our plants go out, (*inaudible*), and if you don't see Dave McCulla tonight, when you go by the Amphitheater and see plants, that is organic fertilizers on there. We don't use the phosphates and we're commercial. We have a heck of a lot of plants that we grow. But this is what Chautauqua Lake looks like in front of my house. I didn't take the lid off but if you would like to smell what I smelled at dinner last night, you'd pass on that quite definitely. I also have a couple of photos with me that I would like to give to the Clerk to circulate of Maple Springs creek that I took yesterday on my way after dinner on the way to the fire hall. I am glad that I don't live on that side of Maple Springs. That creek is unbelievable and as I talked to people in the room, it's not much different than some of their areas also. We need to deal with phosphorus, we need to deal with nitrogen and we need to do everything that we can in a multi faceted approach to deal with that. We need to improve the way we do bridge work, reconstruction, we need to improve the way that we do road ditches, everyone needs to come on board. And land and stream management are part of it. Your committee that you selected to represent you in making the waterways decision, developed a ranking scale, looked at it, looked at applications countywide and had them fit that ranking scale. Your committee removed the funding to the Watershed Conservancy off of that scale. They were there (*inaudible*) and that project serves a bona fide purpose. We're cutting off our nose to spite our face. Land conservation is part of the solution and the most economical part of the solution and it's part of the solution that improves neighboring property values. So, we take a little hit here and gain a little more there. I have to tell you, my neighbor who came in, in the middle of the night last night from Chicago and is here for his one week vacation a year and so did the rest of the family, I don't know if he is coming back next year to this. If the houses start selling, I am going to be the first in line at the Town of Ellery to ask for a lower assessment and the houses go down and if we don't do this land conservation, if we don't do phosphates, if we don't do everything else that we really need to do, we're going to find ourselves in a worse matter because people are going to vote with their feet and then the voters that are left, will have to pick up the tax burden and you will hear loudly from them that they are not willing to pick up that extra tax burden. So, I am here tonight to support those two items. Restitution of the one to the list and phosphates. Thank you.

Mr. Mark Baldwin, I live at 43 Clyde Avenue in Jamestown. I am here to speak in support of two piece of legislation. One is to support the regulation of phosphate containing lawn fertilizers in Chautauqua County and the second thing is to see to it that the Chautauqua Watershed Conservancy is allowed to purchase 25 acres of property on

Goose Creek with support and assistance of 2% bed tax funds because an ounce of prevention is worth a pound of cure. Thank you.

Chairman Ahlstrom: Anyone else to speak to the first privilege of the floor? Seeing none, we'll close the first privilege of the floor.

PRESENTATION:

**CCVB REPORT
BY
ANDREW NIXON**

COMMUNICATIONS:

1. Letter (2) – Co. Executive – Appts. Housing & Neighborhood Revitalization Task Force & STOP DWI
2. Investment Report – Fn. Dir. D. Schulz – July/2009
3. Minutes - Chaut. Co. Soil & Water Conserv. District – July/2009
4. Southern Tier West Regional Planning & Development Bd. – July/2009
5. (2) NYSDEC Fish & Wildlife – 5/16/09-6/15/09 & 6/16/09-7/15/09
6. Fact Sheet – NYSDEC – Remedial Completed at D.C. Rollforms Site
7. NYS Bd. Of Real Property – List of Certified 2009 Equalization Rates
8. Letter – Sen. Young –Re: Ack. of Senate Bill 5662, Imposition of Sale Tax, Signed by Governor
9. Letter – Senator Young – Re: Ack. of Senate Bill 3300, Occupancy Tax, signed by Governor
10. Chaut. Co. Indirect Cost Allocation Plan – Actual Costs for YE 12/31/08
11. Chaut. Co. Full Cost Indirect Cost Allocation Plan for YE 12/31/08
12. Letter – City of Dunkirk Mayor Richard Frey re: Bed tax funding request for Dunkirk Light the Lakes
13. Letter –NYS DOT–Re: Participation to Develop & Refine 5 Yr. Capital Prgm
14. Letter – NYS Dept. of State – Ack. Receipt of LL 4-09

**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 07/29/09**

ACTION ON:

**TABLED RES. NO. 137-09 – Amending Resolution 171- 08 Regarding RPTL
Article 11 Tax Foreclosure**

MOVED by Legislator Kindberg, SECONDED by Legislator Cafilisch to bring off the floor.

Chairman Ahlstrom: Any discussion?

Legislator Kindberg: Based on our discussion in caucus, there were quite a few questions still about this. They seemed to remain on the tabled one before it was sent back so bade on that, I would MOVE to table that.

Legislator Duff: SECONDED to table the resolution.

Chairman Ahlstrom: All those in favor of tabling 137-09?

Carried w/ Legislator Barmore voting "no".

**LOCAL LAW INTRO. 7-90 – A Local Law Restricting the Application and Sale
Of Lawn Fertilizer within the County of Chautauqua**

Legislator Croscut: First of all, I certainly want to thank the Watershed Conservancy, Cooperative Extension for all the work they have done on the education of the use of phosphorus in Chautauqua Lake. It sounds certainly like we have a lot more to do and not just with phosphorus. Also with nitrogen and possibly sewer treatment runoff. I want to assure them that I look forward to working with them. The one thing that does bother me is, even though we are doing a great job of education, I am at this point, not going to support this local law this evening. I think that much more has to be done and possibly more local laws should be passed. The one thing that does bother me is, some of the laws are not clear. The interpretation of some of the law is not clear. I don't want to see neighbor plotted against neighbor. I am not sure who you will turn someone in for doing this and what the ramifications will be. I know that I talked with Dr. Mueller during leadership meeting and he is obviously hoping that no one is cited for any use of phosphorus and he is hoping that by the simple passage of this bill, will not make any need for convictions or arrests or whatever you may call it. But I do also feel that we do have one other thing that I would like to see in the future, even though I will not be supporting this, this evening. I would urge the committee, whether it be the watershed or if Dr. Mueller brings something like this up again, please work with all of us. I would like nothing more because I do represent the shoreline of Chautauqua Lake. One of our problems I think is getting the local municipalities to buy into this. I would help that. I will pledge this tonight. Once we have scientific data, we have education programs that we know have worked, possible education programs that we know we've exhausted, we need a local law. The one thing that I want to do is assure them that I will take that to the Village of Mayville and to the Town of Chautauqua. They'll also need to know, down the road, what cost may be involved in the implementation of some of these future laws and some of these future regulations. I certainly agree with everything that has been said here tonight. We can not let our lake deteriorate to the state of some of the bottles that we saw here this evening. I hope I made my point clear and I do want to thank everyone for working and educating. I think that you made giant steps and I do agree with everyone here tonight, there is possibly a lot more work to be done.

Legislator Mueller: I agree that a lot more work does need to be done and I did bring my own little bottle of water. I wouldn't drink it. You can see all sorts of things floating around in there.

I think this is really important for our community and our lake. Not only Chautauqua Lake but any of the fresh water bodies around here. This is a problem across the country. This is not new legislation. This legislation is – similar legislation has passed in the State of Minnesota in 2005 and as far as I am aware, the farmers were not hurt. This is not directed at farmers. They are people that have vegetable gardens and if we need to remove green houses and nurseries, that is fine with me. The whole point is to try and get residents to not apply fertilizers on their lawns that have phosphates. Most of the properties around here have adequate phosphates. It doesn't get absorbed. When it rains, it goes into the creeks and then goes into our lake which promotes algae and weed growth. Every pound of phosphorus that gets into the lake produces about 1,000 pounds of algae. In Minnesota, by restricting the sale of phosphate fertilizers by the retailers, and that is what we're calling for, the sale of phosphate fertilizer went down 82%. That was two years later. The sale of fertilizers that had no phosphates, went up. I did do the education program and I think that is great but it is not working. People are getting educated but they are still using fertilizers that have phosphates. We just heard scientifically that the phosphate concentrations are continuing to go up on our lake. In Minnesota there were 97% consumer support of the law. The manufacturers adapted. As a matter of fact, in our community, I happen to go through Wal-Mart and most of the fertilizers there were zero percent phosphorus. There are a lot of other retailers where I could hardly find any. The cost of fertilizers did not go up. Maine has passed similar legislation. Communities in Michigan, Florida, and in New Jersey, similar legislation and West Chester in this state passed similar legislation. In fact, this law is very similar to the West Chester law. So, I think it's important for the health of our lake. When the algae goes up, the oxygen concentrations go down in the lake, it kills the fish, and drives the bacteria concentration up and it does close beaches and causes major health hazards. If this was a warmer summer, I think that we would have heard those warnings a lot sooner. Chautauqua Institution, which is where they get their drinking water, from the lake. I think you represent the people of Chautauqua Institution and you should be concerned that they are getting their drinking water from this lake that has extremely high phosphate levels. I know that this is not going to solve all of the problems but this is an important step forward. Dish washer detergents, I agree. The whole industry is going phosphate, low phosphate dish washing detergents in the next year or two, from what I was told by the industry officials. That was last year. I know that this isn't a solution to all of the problems but it is one of the major steps. There is a big education component and by the way, nobody was arrested in Minnesota that I am aware of. I am not looking to throw people in jail but we are asking the retailer not to sell it unless you have new turf or unless you soil test your property and its low in phosphorus, then you can get fertilizer that contain phosphorus. I would appreciate everybody supporting this.

Legislator Hallquist: My question is, similar laws have been successful or you consider them to be successful in Minnesota, Maine and Florida. What were the penalties that they had put into place and were they effective or how were they effective?

Legislator Runkle: I am a little bit concerned about under the definition section, what we talked about earlier and what the guest in the audience talked about. Green houses and nurseries. I have several green houses and nurseries in my district and quite frankly, I am concerned about the business ramifications on those particular businesses. I am wondering if I might be able to make an amendment to exclude green houses and nurseries from this particular piece of legislation.

Legislator Lemon: Second.

Chairman Ahlstrom: We have an amendment to –

Legislator Runkle: Green houses and nurseries under "Definitions" 1, subsection 3, under the definition of lawn fertilizer.

Chairman Ahlstrom: O.k., if we strike it there Mr. Runkle, if this is going to be your amendment, then under the advise of our attorney here, under Section 3, "Exemptions", Number 2, that we would add green houses as an exemption along with agricultural uses, vegetable and flower gardens. Is that acceptable Mr. Runkle and Mr. Lemon?

Legislator Runkle: That is correct.

Chairman Ahlstrom: Green houses and nurseries. Is there any question on the amendment?

Legislator Keefe: Should that be commercial green houses, the nurseries? Never mind.

Chairman Ahlstrom: Question withdrawn. Any other questions on the amendment?

Legislator Stutzman: (*Inaudible*) we now have two different people in the audience stating that I use (*inaudible*) phosphorus, I use phosphorus, we have no scientific evidence and now we're pulling out green houses. I am thinking, why are we not airing on the side of caution and eliminating it totally? So there is no scientific basis for any of that amendment. We have two people and I have two different opposing opinions. So, I am questioning, why are we amending this? Let's air on the side of caution and eliminate it.

Chairman Ahlstrom: And that would be your right to vote Mr. Stutzman. On the amendment.

Legislator Gould: I can answer Mr. Stutzman's question. There are three numbers. First number, second number and a third number. The first number is nitrogen and that makes the plant green. The second number is superphos and that makes it grow. The third

number is pot ash and that makes it flower or reproduce. So you do need the second number to make the plant grow and that is the business in the green house to grow plants.

Chairman Ahlstrom: On the amendment, is there any other questions on the amendment? All those in favor?

Carried with Legislator Stutzman voting "no".

Chairman Ahlstrom: The Local Law Intro. 7-09, as amended, and since we amended it, this will go back on the table for action at our next meeting because we're changing some of the intent of the local law. You'll be first on the list Mr. Caflisch when this comes back.

Legislator Caflisch: Mr. Chairman, point of order. This local law could go back to Planning & Economic Development Committee since they deal with maybe the farm issues and maybe some of the Farm Bureau concerns could be addressed at that meeting.

Chairman Ahlstrom: Certainly if Planning would love to have this on their agenda.

Legislator Heenan: Sure.

RES. NO. 145-09, Confirm Appointments - Chautauqua County Housing & Neighborhood Revitalization Task Force, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 146-09, Confirm Appointment & Re-Appointments – STOP DWI Advisory Board, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 147-09, Authorize State/Federal Aid Application - Chautauqua County Jamestown Airport Five Year Plan (FY2010-FY 2015), by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 148-09, Authorize State/Federal Aid Application - Chautauqua County Dunkirk Airport Five Year Plan – FY 2010-2014, by Public Facilities Committee

Legislator Beightol: On this resolution, the third WHEREAS, doesn't apply to Dunkirk airport. It only applies to the Jamestown airport. I would like to amend by deleting that third WHEREAS completely.

Legislator Wider: Second.

Chairman Ahlstrom: Any questions on the amendment? You should all have it in front of you. Seeing none, all those in favor of the amendment?

Unanimously Carried

RES. NO. 148-09, as amended - UNANIMOUSLY ADOPTED

RES. NO. 149-09, Authorize Easement to National Fuel for the purpose of Constructing a Pipeline on County Owned Land in the Town of Sherman, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 150-09, Establish & Increase Capital Account 0- Scale Replacement Landfill & Increase Capital Account – Repaving Parking Lot, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 151-09, Establish Accounts for Americans with Disabilities Act (ADA) Facility Upgrades, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 152-09, Accept Grant from FAA & State to Perform Airport Security Upgrades at the Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 153-09, Accept Grant from NYSDOT Air 99 Program to Rehabilitate Vehicle Parking Lot at the Chautauqua County Dunkirk Airport, by Public Facilities and Audit & Control Committees

Legislator Wilder: Is the paving being done by local or outside contractors?

Chairman Ahlstrom: Mr. Spanos, I'm looking to you for an answer.

Mr. Spanos inaudible – Stated that it had to be bid out.

Legislator Wilder: It is not done by the County itself?

Chairman Ahlstrom: No. Any other discussion?

RES. NO. 153-09 – UNANIMOUSLY ADOPTED

RES. NO. 154-09, Accept Grant from NYSDOT Air 99 Program to Perform Maintenance Building Improvements at the Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 155-09, Transfer Emergency Services Operations & Maintenance Funds to Capital Project, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 156-09, Appropriate NYS Homeland Security Program Funds, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 157-09, Authorize Acceptance of Aid to Prosecution Funds 2009-2010, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 158-09, Authorize Acceptance of Operation Impact Funds 2009-2010, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 159-09, Authorize Municipal Cooperation Agreement with Cattaraugus County for Medi-Vac Helicopter Service, by Public Safety and Audit & Control Committees

Legislator Caflisch: The history of this has been that Cattaraugus County has contributed \$9,000, it seems to me for a very, very long time. We haven't seen any increase in contribution and yet we go out and borrow \$4 million dollars for new helicopters, with even better service. Has any attempt or effort been made to ask Cattaraugus County to consider giving us a little more credit for service that we provide for them?

Chairman Ahlstrom: The Sheriff is not here and I can repeat the answer that he has answered this question of yours over the last couple of years.

Legislator Caflisch: It doesn't change.

Chairman Ahlstrom: Any other questions?

RES. NO. 159-09 – ADOPTED w/ Caflisch & Wilder voting "no"

RES. NO. 160-09, Authorize Execution of the New York State Office of Homeland Security Funding Grant Agreement – SLETPP, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 161-09, Extend Tower Lease Agreement with National Oceanic and Atmospheric Administration (NOAA), by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 162-09, Authorize 2009 Budget Adjustment – Sheriff's Office Pistol Permit, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 163-09, Authorize Agreement Between County of Chautauqua and Erie 2 Chautauqua-Cattaraugus BOCES for Health Assisting Training, by Human Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 164-09, Adjust Capital Project Accounts – Edgewood Warehouse, by Planning and Economic Development & Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 165-09, Authorize Grant Application and Subsequent Agreements for the Creation, Preservation, and Maintenance of Snowmobile Trails, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 166-09, Amend Resolution 118-08 Regarding Guidelines for the Allocation of the Original 3% Occupancy Tax Revenue, by Planning & Economic Development Committee

Legislator Keefe: I am not going to support this tonight. I think probably the application for the occupancy tax should be put in, in a timely manner and if it is not put in, in a timely manner then it shouldn't be considered for that year. So, for that reason, I won't support it.

Chairman Ahlstrom: Any other questions?

RES. NO. 166-09 – ADOPTED w/ Legislators Hallquist, DeJoe, Wilder, Ahlstrom, Keefe, Duff voting "no"

RES. NO. 167-09, Adoption of Waterways Panel 2010 Occupancy Tax Recommendations, by Planning and Economic Development and Audit & Control Committees

Legislator Keefe: I going to be a walking contradiction with this one. Right now, I see the great lake, which would be the north end of the county receiving \$1,500.00. Everything else is going to the south end of the County for Chautauqua Lake, Findley Lake, other lakes. That is not fair, that is not equitable and I am not in favor of that. However, there is a \$38,200 grant to an individual for his property, for the abatement for the Crooked Brook Creek that runs behind his establishment. I feel that that \$38,200 should be pulled out of this allotment because it's more for the benefit of a private individual rather than community activity. Unfortunately, this is in my district so that is where I am coming from with my contradiction. But, I would move that we pull number 10, for \$38,200.

Legislator Duff: Second.

Chairman Ahlstrom: We have an amendment to delete #10 on the list, McClenathan Mobile Home Park & Geothermal Homes LLC, for \$38,200. Any questions on the amendment?

RES. NO. 167-09 – amendment - R/C Vote: No: 20 Yes; 4 No; 1 Absent – No's: Duff, Gould, Richmond, Stutzman - **Carried**

Legislator Nazzaro: Is this the right time to make another amendment to this?

Chairman Ahlstrom: This is the only time to make it.

Legislator Nazzaro: First of all, I would like to thank everyone who spoke this evening on the Chautauqua Watershed Conservancy project, project #19 that was removed in the amount of \$28,700. I would like to add that project back. I think that it is a very worthwhile project. It meets the criteria of the argument that it was removed, that is it removing property from the tax rolls of Chautauqua County. I appreciate that point, especially being Chairman of the Audit & Control Committee, with the amount of the taxes on this property is \$731.00 a year. I think that is a very small price for a very worthwhile project that will help protect the shoreline, the erosion, the sediment going into Chautauqua Lake, help prevent floods. It does meet the criteria, so I make an amendment that we add back, the Goose Creek Chautauqua Lake Wetland Conservation Project in the amount of \$28,700.

Legislator Mueller: Second.

Chairman Ahlstrom: On the amendment.

Legislator Croscut: I will say this Mr. Chairman and I will propose that my committee next month so that we make this very clear. The only reason that I was in favor of pulling this off is the fact that it was made very clear last year and it was probably our committees' mistake for not stating clearly in the resolution of the distribution of the funds for the committee, that we will not take taxpayer money and purchase property. It's can't be both ways. I think that this may open up the flood of request that we didn't anticipate but I will make it clear. I will not be supporting this because I do not favor taking taxpayer money and purchasing property and taking it off the tax rolls, whatever it may be. I will do my best to introduce into our committee next month, to make sure that the committee knows this next year, that this Legislature will go on record as not supporting that.

Legislator Wilder: I think the unique nature of this project, I will support it and likewise next month, I will support Mr. Croscut's proposals to no longer take property off the tax rolls. I think that this project is unique and should be seen as such. It's perhaps a once in a lifetime opportunity.

Legislator Barmore: I just want to make a comment. I understand where they are coming from with the preservation of this property, but not unlike the properties we looked at last year. This is undevelopable wetlands that are going to remain the way they are without our purchase of this property. I echo Mr. Croscut's statement that I don't think that taxpayer money should be used to purchase any real estate no matter what the purpose would be. But, in this particular instance, I don't believe the property will be used any differently than it is now, whether we own it or not.

Chairman Ahlstrom: Anyone on the amendment?

RES. NO. 167-09 – 2nd amendment - R/C Vote: No: 7 Yes; 17 No; 1 Absent – No's: Barmore, Beightol, Caflisch, Croscut, DeJoe, Duff, Gould, Hallquist, Heenan, James, Keefe, Kindberg, Lemon, Park, Richmond, Runkle, Stutzman - DEFEATED

Chairman Ahlstrom: On the resolution as amended?

Legislator Wilder: Will the additional funding that was saved by the removal of project # 10, will that be directed towards the next project on the list?

Chairman Ahlstrom: It would take a resolution by the Legislature to do that. At some point and time, I suppose it could come back as a separate resolution of the Legislature. Otherwise it would go into reserve at the end of the year if we didn't spend it.

Legislator Mueller: Can we make an amendment now?

Chairman Ahlstrom: Certainly someone could make an amendment now to add another project into it.

Legislator Mueller: I would suggest whatever amount of money from what was taken off, the \$38,000 whatever, to fund the next project or whatever the following project or two, whatever money –

Chairman Ahlstrom: Before we second something, lets' know what we are seconding ladies and gentleman. Please. The next project on the list that could be fully funded would be a Chautauqua Lake Management Commission project to construct approximately 600 feet of grass ? swale on Hunt Road, before it reaches Winding Way in the Village of Lakewood. The project after that is substantially more than what we would have as far as dollars.

Legislator Kindberg: I think Mr. Chairman, the project directly above the CLMC one, the Town of Ellicott project. I believe we're only partially funding that.

Chairman Ahlstrom: Yes we are. They had requested \$40,000 and we're funding them at \$9,000.

Legislator Kindberg: Perhaps we should use that \$38,000 to make them whole first before moving onto the next. I guess the motion would be to fully fund the Town of Ellicott project.

Chairman Ahlstrom: That would leave \$7,200.

Legislator Kindberg: And place the remainder in reserve.

Legislator Mueller: Well, why not partially fund the very next one.

Chairman Ahlstrom: Legislator Kindberg has the floor here Dr. Mueller. So, one motion at a time. Let's make sure we know what the motion is.

Legislator Kindberg: My motion was to fully fund the Town of Ellicott project which is now only partially funded and place the remaining balance into the reserve.

Legislator Barmore: Second.

Chairman Ahlstrom: On the amendment, any discussion?

Legislator Duff: I would like to make a motion –

Chairman Ahlstrom: This has to be on the amendment.

Legislator Duff: To allow the money saved in the north County, by that withdrawal to be used now in the north County.

Chairman Ahlstrom: That would be a separate amendment that you could make after we're done discussing this one Mr. Duff. But it is not germane to the topic.

Legislator Nazzaro: I just want to make sure I understand what is going on here. The one project that I put the amendment up on, the Watershed Conservancy for Goose Creek, that project made ineligible by the Planning & Economic Development Committee or – that was still a project listed. It's my understanding its taking off the tax rolls was not one of the criteria –

Chairman Ahlstrom: That is not on this amendment either at this point and time. The amendment is to fully fund the Town of Ellicott project that was only funded at about 25%. And to put any remaining monies into the reserve. That is the amendment. On that amendment.

Legislator Stutzman: I am getting to the picture. I am a processor and we've just thrown this on the table in a matter of what, three or four minutes, back and forth, money here and money there, where do we put it. I have a problem with that. I think if we have the money, we need to sit on it for a while, maybe make a responsible decision with some thought. Here we are making a decision off the cuff, originally it was suppose to go for this particular line item and now we're just deciding, hey, we'll put it here and maybe there, or how about over here, how about we save it? Again, we continually spend and it goes on and on and on in this County. I won't stand for it. I am not supporting spending this money. I think that it needs to be held aside.

Legislator Kindberg: What may seem a bit random in our discussion here tonight, actually it's not. We're following a very set process that spans several months, the product of which was a prioritized list. So the work in prioritizing these projects has been done. While it's certainly with in the prevue of both agreed home committee and the Legislature to make changes to the recommendations provided to us, we are certainly not doing this in a chaotic fashion. We are simply following the prioritized list that again, took months to develop. So, one, we did remove one project now this evening from the list and we're simply in a very orderly fashion moving down through the prioritized list and providing funding to the next project.

Legislator Mueller: I agree we're not increasing spending. We actually cut the spending on the lake and this is a huge drop from what we spent this year. We are budgeting a lot less. Three point seven is a lot less than what we budgeted the last budget. We took out the thirty some thousand and just funding the very next project or two that's in line. I will support the amendment.

Legislator DeJoe: I recall last year when we were at Audit & Control Committee meeting and the policy was being provided to the committee regarding the Water Quality Task Force makeup and the process of the awards for prioritizing. The question I posed at that time was what would happen if some project was removed or they pulled out and it was stated that the resulting monies or money would go to the next project or projects, whatever that money could go provide for projects. That is my understanding. It is not something new. It is to continue down the next item on the prioritization list.

Legislator Stutzman: I understand what Mrs. Kindberg is saying. We have a criteria in place, this has been a long process but we had a criteria in place for the bed tax but yet, we continue to spend that away this part year. For the past 5 months I have been saying we need something in place for making sure the independent body reviews those applications. I see that we're getting there. We have something. It could have been presented last month but it was pulled just in time to put forth more money to Light the Lakes. It's getting old. There is a lot of criteria here but again, I don't think that we should be spending the money.

Chairman Ahlstrom: Any more discussions on the amendment? Seeing none, all of those in favor of the amendment that would fully fund one project and put the rest in reserve.

RES. NO. 167-09 – 3rd amendment – Carried w/ Legislators Duff, Keefe, Stutzman, Lemon, Heenan, DeJoe, Hallquist voting "no"

Chairman Ahlstrom: On 167-09 as amended. Any discussion?

RES. NO. 167-09 as amended – w/ Legislators Duff, Keefe, Stutzman, Heenan, Lemon, Hallquist voting "no" - **ADOPTED**

RES. NO. 168-09, 2010 Occupancy Tax Distribution to Various Organizations, by Planning & Economic Development and Audit & Control Committees

Legislator Barmore: I just have a question for whoever can answer it. Who or what is the International Festival of Arts and Innovation and the International Humanitarian Law Dialogs?

Chairman Ahlstrom: The project is to create a shoulder season festival/event series of high-caliber performances, speakers, film festivals, exhibitions, and education workshops in film and theater arts.

Legislator Barmore: Where would they be located?

Chairman Ahlstrom: You didn't tell me you were going to ask hard questions. I do not have the answer to that Mr. Barmore.

Legislator Kindberg: I don't have a direct answer to that but all these applications have been on file in the Legislative office for many months and detailed information was made available at the open sessions of the Planning & Economic Development Committee.

Chairman Ahlstrom: Mr. Nixon, would you have a short answer to that question by any chance.

Mr. Andrew Nixon: They are based out of (*inaudible*) season at Chautauqua Institution but they are not affiliated with Chautauqua Institution. And the other one is associated with the Jackson Center, Humanitarian Law Dialogs (*inaudible*).

Legislator Keefe: With that in mind, that adds \$13,000 more to an agenda for the south County receiving the occupancy tax. Which brings that up to \$82,995 to the south County with this occupancy tax, \$16,480 for the north County. Shared between the countywide, there is \$19,055. There is a huge disparity here. Now what we passed a second ago and part of it is my fault, I will take credit for that. But, what we have done in the waterways occupancy tax, \$1,500 to the north County, \$343,595 to the south County. This isn't fair, this isn't equitable, this isn't right. Now here is the other problem that we have. We, out of sequence, accepted a proposal for the Light for the Lake event. We brought that in on a special vote last month and we put it into the sequence for determining where the tax money goes. They came out of the deadline. Now, Festival Fredonia, got knocked out of a position because we did that. This isn't right, this isn't fair, I am not going to support it, I am going to fight it all the way. Unless this is fair and equitable, they way that we are distributing these occupancy tax dollars, isn't going to work.

Legislator DeJoe: I would like to amend Res. 168-09, by removing Peek' N Peak series of events project from that list and replacing it with the next item on the list which is the Festival Fredonia Series of Events and replace any remaining funds into the reserve.

Legislator Duff: Second.

Chairman Ahlstrom: On the amendment, any questions?

RES. NO. 168-09 – amendment - Legislators Mueller and Nazzaro voting "no". – Carried

Chairman Ahlstrom: On the resolution as amended. Any discussion?

Legislator Kindberg: While I have lived in Chautauqua County for over 40 years, and maybe I should be embarrassed to admit this but I never really known where that line is that divides Chautauqua County between north and south. I mean, does it belong somewhere, is it on a map? I was just kind of wondering where that is. I always thought of us as one County but apparently there is a very definite split.

Legislator Stutzman: I noticed one of the items on here is Lily Dale. I just want to note something. Lily Dale specifications in the summer is to establish Memorial Day Weekend event featuring healing, meditation, Native American spirituality, earth centered green activities, hiking, mediumship, and self growth. I believe that we need to rethink this funding for Lily Dale. If we chose to prioritize this type of programming which focuses on the spirit realm, we are sadly misleading our constituents. What Lily Dale has forgotten is that nation was founded under God. Getting into the business of supporting mediums and mediumship, would be a poor choice for this County and it's one that I will not support. I ask that we pull this request.

Chairman Ahlstrom: Is that a motion to delete that?

Legislator Stutzman: Yes it is.

Legislator Lemon: Second.

Chairman Ahlstrom: On the amendment to delete Lily Dale. Any questions?

RES. NO. 168-09 – 2nd amendment - R/C Vote: 11 Yes; 13 No; 1 Absent – No's: Babbage Barmore, Caflisch, Cornell, Croscut, Gould, Heenan, Keefe, Kindberg, Kleparek, Park, Runkle, Wilder – **Defeated**

Chairman Ahlstrom: Any other questions or discussion?

RES. NO. 168-09 –as amended - ADOPTED w/ Legislators Stutzman, Lemon, Hallquist, Ahlstrom voting "no"

RES. NO. 169-09, Additional 2009 Occupancy Tax Allocation – Dunkirk Light the Lakes, by Planning and Economic Development and Audit & Control Committees – **WITHDRAWN**

RES. NO. 170-09, Requesting State Legislature to Authorize County Sales Tax Swap for Local Medicaid Costs in Chautauqua County by Human Services and Audit & Control Committees

Legislator Mueller: I have been working on this pretty hard since February. I believe that we lost a tremendous opportunity to get rid of one of the largest unfunded mandates that drives our property taxes up. That is Medicaid, in 2007. We had a chance to participate in what was called Intercept or Swap. I know it was binding but why I think it's so important is for multiple reasons. One, we're one of the few states that funds health

insurance, Medicaid for the poor through a local share and in this County when you do that, it's a regressive tax. So, I don't think we should be funding health care for the poor with a regressive tax. Maybe some other counties in the State it's not regressive but in this County, it is regressive. Because of the cost of Medicaid keeps going up every year and I know that it is capped at \$774,000 a year, our local share, that still puts the pressure on our property taxes. If you look at the data that has been put in your boxes or I have shown you, you can see how Medicaid costs have continued to climb and they have actually overtaken our sales tax revenues. Now, we lost an opportunity in 2007, but that was then and this is now. In 2011, we're looking at sales tax going down to 7 1/2% and with that, we're looking at, assuming the economy grows at 3%, we're looking at Medicaid costing us at least \$3 million dollars more very single year compared to our total sale tax revenues for the County. If the economy grows less than that, they gap is even wider. So, I have talked with Assemblyman Parment and Cathy Young and asked them to give us another chance at SWAP. Assemblyman Parment is willing to introduce legislation where we would give Medicaid back to the State, who makes the regulations and what the benefits are and that is why it is called an unfunded mandate. Give that responsibility back to them and give up our local sales tax. The towns and villages are held harmless. It's going to be a negotiation with the State. Will he be able to carry it through the State and with Cathy Young will be able to carry it through, I don't know but this leave the door open for us to at least explore that potential. It puts the responsibility for Medicaid costs back on the State and the Feds who make the rules and regulations and puts responsibility for property taxes back on us. We can no longer count on, when we are in tough times, to just raise sales tax to get more revenues in so that we don't have to make tough decisions in how to operate the County. So, it puts pressure on both the local. We (*inaudible*) the property tax, we're responsible for what services to provide in the County. It takes the largest unfunded mandate off and put it back on the State. Whatever the negotiations, it's still going to come back to this body and we still have a chance, assuming they pass this and we're lucky to get it through, we can still not accept whatever gets through the State, but this leaves the door open. Should we fail to act, we're looking at, by 2011, at least a \$3 million dollar expense in Medicaid which is more than our total sales tax revenues. So, we either have to raise sales tax, raise property tax, or cut services by \$3 million or a combination of those and I don't want to do any of those. So, I would appreciate people supporting this.

Legislator Croscut: I plan on supporting this but in reading through it, in the last RESOLVED, we all know that our sales tax is set for the next two years. We are assure of that. It's also going down the second year. My concern was and I think this short amendment helps clear this up. That it won't go up anymore after that than it is right now. I think what I would like to add is laid on your desk. "Not greater than 70% of the half percent local share of additional sales tax.". I hope that I explained that and if not, I am sure that Mr. Abdella can help me out because I went to him to help with the amendment.

Legislator Caflisch: Second.

Chairman Ahlstrom: Everybody should have this amendment on your desks. Any questions on the amendment?

RES. NO. 170-09 – amendment – UNANIMOUSLY CARRIED

Legislator Duff: In additional amendment. I would like to have it said that Chautauqua County will not be responsible for the collection of the sales tax and it will not appear on any direct form which can be mislead that this money is coming to the County or through the County. That it is the State's responsibility to collect the money.

Chairman Ahlstrom: Is there a second? Just so you know Mr. Duff, it is the State's responsibility to collect the sales tax. It does not come through Chautauqua County. Mr. Schulz is agreeing with me. There is no second. Any other discussion?

Legislator Cafilisch: It seems that we are in a crisis that was created because our local Assemblyman, Mr. Parment, refused to honor the request that we made to keep the sales tax at 7.75% and instead we're dropping to 7.5% in December of next year which will lead to about a \$3.5 million dollar shortfall in revenues to cover Medicaid going out in 2011 and beyond. If Mr. Parment has committed to putting this before the Legislature, I would hope that he did so on the premise that he could get this done because he is the one that put us in this crisis. So, I will be supporting this, this evening. I will be very surprised if the State of New York does accept any kind of deal like this because they are going to be accepting a deal where they are \$3.5 million dollars short right out of the box with no ability to recover. So again, we'll probably get a couple more bites of the apple on this. It will be interesting to see how this plays out but, maybe the crisis that was created by our Assemblyman, maybe he can fix it. We'll see.

Legislator Lemon: I am not going to support this. Not because I don't think that Mr. Mueller has the right idea. We do need to lower property taxes. My purpose for not supporting this is, I don't think that the State knows what they are doing with the funds that they have already and I can't support giving them anymore. I think we handle our finances much better than the State does. I think the proof is in the pudding. We have a surplus, they are \$8 billion dollars in debt and we're going to give them more money to waste, with \$200 per child money for school supplies that has no accountability. Increased in fees in license plates and hunting. I had an 89 year old guy call me and wanting to know why when he filed for a boat permit, why he didn't get his \$10.00 back. Because the State (*inaudible*) whether he gets it or not. That is robbery. So, we're going to take the funds that we collect and give it to the State so that they can go blow it on something else. Then reach in our pockets to make up for their error and raise taxes again. They don't know what they are doing so why would we let them handle it. It doesn't make sense. Again, Tom Golisono who (*inaudible*) takes \$13,000 a day because New York State doesn't know how to treat businessmen and so we're going to decide to let them handle our finance and trust that they are going to pull this unfunded mandate with out putting other ones our on our back. I talked with Monroe County who did do this. I talked with a representative up here and he said, in deed, they did put other unfunded mandate son them after they took this off. So what makes us think that they are not going to do the same to us.

Legislator Mueller: By the way, Monroe County was the only county to participate in this and the Comptroller suggested that counties that have low tax growth rates should consider it and Monroe County was the only county in 2007 to take the Intercept option. I spoke with the same Majority Leader and he told me that they saved \$6 million on an estimated \$15 million over 2 years which is roughly about 5% of their property tax. When they voted on that, all the Republicans' voted for it and all the Democrats' voted against it, by the way. I thought that was kind of interesting. So, its taking an unfunded mandate. Almost all of the other states in the country pay for Medicaid through the State and Feds. They don't place it on the local and I think part of the reason why Medicaid costs are so high in this State is because the State was not as financially responsible for it. It was the local and the Feds paying for it so it was a smaller State share. So, if they made it a more generous program and it's the most generous program in the country, it wasn't as painful. So this puts the pressure back on them. It also puts the pressure on us because we have to now live off of property taxes. Our County budget. In the past, we could just raise sales tax and get a lot more revenues in and we didn't have to make the tough decisions. So this again, is going to make us more responsible and makes the State more responsible. This is good economic and philosophical and economic policy. I think we'll see if we can get it through the State.

Legislator Barmore: I think that New York State over the last number of years has proven beyond a doubt to all of us that when they can't balance their budget they put the expenses back to the local level. It wasn't to long ago I remember rather than a 50/50 split, they decided that they were going to balance their budget by taking 48% and pushing 52% onto the County. I wish that I could be as optimist as Dr. Mueller to think that the State would actually accept anything that would cost them more money than it currently is and save us money. I find it very hard to believe that it would ever happen. Although I would like to see it happen, but I find it hard to believe that it ever will.

Legislator Wilder: Since this is asking for home rule here, there is really nothing to lose by asking. I think Legislator Caflisch had it right. It will be interesting to see if this can get through Albany or not. And whether or not it does, I think will give us some indication of how serious they may be about actually doing this. So, sit give us an option. It doesn't necessarily pin us into a corner. I will be supporting this.

Chairman Ahlstrom: Anyone other discussion or questions?

RES. NO 170-09 as amended – ADOPTED w/ Legislators Hallquist and Lemon voting "no"

RES. NO. 171-09, Authorize Sale of Tax Delinquent Parcel in Village of Forestville, by Administrative Services and Audit & Control Committees

Legislator Keefe: I would like to compliment Legislator Park for a job well done.

RES. NO. 171-09 – R/C Vote: 24 Yes; 1 Absent – UNANIMOUSLY ADOPTED

Chairman Ahlstrom: On your desk, emergency resolution, Quit Claim Deeds. Sufficient show of hands to accept this as an emergency resolution. (Sufficient shown)
Any questions?

EMERG. RES. NO. 172-09, Quit Claim Deeds – R/C Vote: 24 Yes; 1 Absent – UNANIMOUSLY ADOPTED

MOTIONS:

A. Opposing New York State Legislature Bill Numbers S.2247 & A.1867 Mandating Farm Labor Requirements – Not sufficient signatures.

B. Opposing Various Senate Bills Regarding Regulation and Control of Firearms – **Adopted** w/ Ahlstrom voting "no"

ANNOUNCEMENTS:

Legislator DeJoe: Just a friendly reminder and this will be the final time, final call. The Moving Wall will be coming to the Brocton American Legion. It will begin Thursday, two weeks from tomorrow, September 10th. It will be erected during that time. It will be officially opened the following day, on 9/11 and continue 24/7 until Monday, September 14th. I am cordially invite everyone to come and visit and honor, homage, and respect those who gave their all and protection for our country and fighting for democracy. Approximately 15 residents of Chautauqua County are on that wall. Here is an opportunity to say thank you to them.

Legislator Richmond: I have a short brief letter that I would like to read if I may. This is from the Westfield Memorial Hospital. It's a letter that I received today and it says as follows: As a member of the Westfield Development Corporation, we want to provide you with the opportunity to express your support of the hospital to the New York State Department of Health and other key leaders. As you are aware, we continue to negotiate with the Department of Health about the future of healthcare services available at Westfield Memorial Hospital. It is important that you demonstrate your support for this valuable resource. We need to let the New York State Department of Health know that our hospital is a necessary mainstay for our community. Our positions and staff save lives 24 hours a day, 7 days a week and with more than 30,000 residents who depend on Westfield Memorial Hospital for their health care needs. It is essential for Albany, overturns its decision to convert our facility to an outpatient diagnostic and treatment center. To help drive home our life saving message to Albany, we will launch our website, WMHsaveslives.org this week. Visitors to the site will be an inside look at how our hospital has changed the lives of many residents of Chautauqua County in addition to reading the emotional patient testimonials, visitors will be able to sign an on-line petition

pledging their commitment to Westfield Memorial Hospital. The site will also provide the opportunity to send the elected officials and the New York State Department of Health an email urging them to support our hospital. We believe that for Albany to fully understand how important the hospital is to our community, they need to hear it from our community members. Time is of the essence. Please share our website with your friends, family, and neighbors and encourage them to take action and show their support. We are committed to keeping Westfield Memorial Hospital alive and strong and we appreciate your continued support. Sincerely, Angelia Bontempio, President and CEO.

Chairman Ahlstrom: Mr. Richmond if you would like to make a motion that the Chautauqua County Legislature send its support to the Department of Health and to our State elected representatives. We can do that by a show of hands that if there is confidence that we will have an appropriate motion drawn and we can get it out into the mail and not have to wait for another meeting.

Legislator Richmond: So moved.

Legislator Croscut: Second.

Chairman Ahlstrom: Show of hands to show sufficient signatures on the motion. Sufficient signatures shown. Any questions? Seeing none –

UNANIMOUSLY ADOPTED

Chairman Ahlstrom: We'll have the Clerk draw something up and get it out then. Any other announcements?

Legislator Barmore: This year marks the 200th anniversary of the founding of the Village of Sinclairville. On September 12th, we will be holding a day long celebration in the village to commemorate this bicentennial. It will be starting at 7:00 a.m. with breakfast. We'll have all kinds of events. Things going on all day long and we'll conclude in the evening with fireworks after dark. We would like to invite anybody that would like to come and as always, everything except for the food is free.

Chairman Ahlstrom: Any other announcements? Before opening the second privilege of the floor, just one announcement. I would just like to take the opportunity and going to be honest, this is at the request of Mr. Duff here. This is a wonderful opportunity to thank our emergency responders. We had a number of very trying situations in the last month. Our police services, our fire services, with the floods that we have had on both ends of the County. The incidents that we had on Chautauqua Lake a week ago Sunday, the turn out and cooperation certainly under Julius and the Sheriff, everybody in my department was involved in a couple of the incidents but the cooperation amongst all of the municipalities helping each other out was truly a wonderful thing to see in very trying times. So, I would like to recognize all of those individuals. (Applaud).

2nd Privilege of the Floor

Mr. Tim Bigham, I'm with the Farm Bureau. The last time I didn't give my address. I am in Franklinville, N.Y. I come to you to request support for what was Motion A, that didn't receive enough signatures. It's regarding the farm worker labor (*inaudible*) bill that has been presented in the State Legislature. Just a couple of facts regarding that. Number one, that bill would set forth many labor standards that are not required under Federal law or required of farmers in other States and thereby putting our farmers in New York State at a competitive disadvantage with those other farmers. Currently only three States offer agricultural workers over time pay. All three of those States have special considerations for agriculture and adapt accordingly. Hawaii is one of those States and exempts individuals from over time when engaged in coffee harvesting which is the biggest industry there. Maryland's overtime provisions do not apply to agriculture industry if during the proceeding year the employer used no more than 500 agricultural worker days and some other things. Wisconsin repealed its agricultural overtime law in 2003 realizing it was a bad idea. So those are the fundamental things in the bill. There is also some things regarding unemployment insurance. Only California, Texas, and Rhode Island require a lower threshold than the Federal for agricultural workers. So New York has a \$20,000 threshold, same as the Federal level. So, to reduce that level, would also put us in a competitive disadvantage. So the main reason we come to you seeking your support is so that the farmers in Chautauqua County and the rest of New York State are in a competitive disadvantage with the other states in the nation.

Chairman Ahlstrom: Anyone else to address the 2nd privilege of the floor?

MOVED by Legislator Cafilisch, SECONDED by Legislator DeJoe the meeting was adjourned. (8:47 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Regular Legislative Meeting
Wednesday, July 29, 2009, 6:30 pm
Clarion Hotel, Dunkirk, N.Y.

Please take note that the meeting was not recorded due to equipment malfunction, therefore minutes will be summarized..

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: Mueller, Hallquist)

Legislator Richmond delivered the prayer followed by the pledge of allegiance.

Moved by Legislator Gould, Seconded by Legislator Caflisch and duly carried the minutes were approved. (6/24/09)

1st Privilege of the Floor

Dan Dalpra, Bemus Point, N.Y., spoke in support of Res. No. 141-09, Light the Lakes.

Pene Hutton spoke in support of Res. No. 142-09 – Airshow/Jamestown.

Paul Stage spoke in support of Res. No. 141-09, Light the Lakes.

Chris Yates spoke in support of Res. No. 142-09 – Airshow/Jamestown

Michael Ferguson spoke in support of Res. No. 141-09 – Light the Lakes.

6:35 P.M.

**PUBLIC HEARING:
Lease Agreement w/ JCC for Classroom Space
at the Chautauqua County Airport/Jamestown**

Chairman Ahlstrom opened the public hearing at 6:56 pm for comments. No one was present to comment. Chairman Ahlstrom closed the public hearing.

**COUNTY HOME SUB-COMMITTEE REPORT
LEGISLATOR CHUCK NAZZARO**

Purpose of the CCH Subcommittee

Currently there are forty public skilled nursing facilities listed in New York State. Prior to 2008, the Chautauqua County Home (CCH) was the only one that was not subsidized with county or local tax dollars. Because 2008 was the first year Chautauqua County subsidized the CCH, the Chairman of the Chautauqua County Legislature authorized the formation of a subcommittee to conduct a review of the CCH's operations and future sustainability in light of possible reductions in State and Federal funding.

The bipartisan subcommittee consisted of five legislators: Tom DeJoe, Ron Lemon, Rudy Mueller, Jerry Park and Chuck Nazzaro (chairman). The subcommittee met on seven separate occasions beginning March 9, 2009, including a tour of the CCH. The subcommittee interviewed several individuals from the CCH including Tim Hellwig, Administrator, Joanne Greene, financial consultant and former CCH Finance Director, Colleen Wright, current Finance Director, and various representatives from the clinical departments. The subcommittee also met with Darin Schulz, CC Director of Finance, representatives from two local non-public Skilled Nursing Facilities (SNFs) and Michelle Henry, County Historian. Mark Deas compiled numerous documents and helped coordinate the various meetings. The subcommittee wants to thank everyone who participated in this review and especially appreciate Mr. Deas and Mr. Hellwig, for their time, patience and understanding of this complex process. A comparative analysis for both the public and non public SNFs that were selected as part of the financial review is attached.

History of the CCH

In 1832 a "Poor Farm" was established in Dewittville to help care for the indigent. A formal building was erected in 1858 and by 1929 this institution became known as the County Home and Infirmary. Due to a State law requiring all county homes to be within a five mile radius of the closest hospital, in 1961 the County Home and Infirmary was relocated to its current location in the Town of Dunkirk. By 1983, the name was officially changed to the Chautauqua County Home.

Important Facts

The CCH has been owned and operated by Chautauqua County since 1838 and currently has 216 patient beds with a 98% occupancy rate. It employs 280 people, of whom 206 are full time, and for 2008 had a payroll of \$8.4M with \$4.3M in fringe benefits.

The care for the patients at the CCH is rated excellent and "deficiency-free"; the best rating any nursing home facility can receive as determined by the New York State Department of Health. The campus and buildings are in excellent condition due to the continual care and upkeep of the facilities. The last major renovation was completed in 2003. Current debt on bonds required for the renovations as of December 31, 2008 is \$11.6M with a scheduled yearly payment of approximately \$1.3M through the year 2020.

From 1995 to 2005, the CCH received additional funding from NYS Intergovernmental Transfer (IGT) funds totaling \$10.5M or an average of about \$959,000 per year. Essentially no IGT funds were received in 2006 and 2007. Beginning in 2008, NYS IGT was replaced with Federal IGT requiring a local contribution from the County of \$2.1M in 2008 and \$1.9M in 2009. Federal IGT funding for 2010 and after is uncertain at this time.

For 2009, the CCH budgeted \$19.4M of revenue plus an additional \$3.8M in IGT payments. Of the \$19.4M in revenue, 75% comes from Medicaid, 15% from private pay/insurance, and 10% from Medicare

Findings

Based on our mutual study and observation, the following are the subcommittee's findings regarding the CCH:

Positives/ Strengths

- Offers the highest level of patient care. Resident and family satisfaction at the CCH are very high.
- For 2008, the CCH had an excess of revenue over expenses of \$224,744 before IGT funding.
- Has a positive financial impact on the local economy of Chautauqua County including 250 well paying jobs as well as requiring operational support from a multitude of vendors, service providers and contractors countywide.
- The CCH is used by and partners with SUNY at Fredonia, JCC, BOCES, Job Corp and other agencies countywide to provide vocational training and adult education programs.
- The CCH participates in strategic planning with other county departments and agencies to provide supplemental resources, medical/nursing staff, pharmacy and facilities to deal with potential health and natural emergencies.
- It is a modern, state of the art facility offering attractive accommodations to its residents as a result of significant investment in the CCH by the County.
- CCH provides a safety net for many who could not or may not be served at non-public SNFs due to financial and/or medical reasons.
- Occupancy at the CCH runs from 98% to 99% on a consistent basis.
- Over \$500,000 of revenue (cost allocations) was included in the 2009 county budget for county services provided to the CCH.

Concerns

- Without the IGT program for public nursing homes, the CCH operations may not be

sustained by available revenue from its provision of care and the facility most likely would experience operational losses.

- Even if the IGT continues, the amount the County has to match and the affect on the County's general fund balance is uncertain.
- Uncertainty of what future Medicaid and Medicare reimbursement rates will be especially under Regional Based Pricing, which becomes effective April 1, 2010.
- Employee salary and benefit cost are high in comparison to non-public SNFs.
- Without other alternatives such as assisted living, it is difficult for stand-alone SNFs to achieve positive financial performance.

Opportunities for Financial Improvement

- Enhance the review process of the Minimum Data Set (MDS) assessments to ensure that all clinical data is effectively captured in order to optimize Medicare reimbursement.
- Change the model of the CCH to include a larger number of inpatient Medicare rehab patients.
- Increase Medicare Part B reimbursement for physical therapy services rendered to Medicaid and private pay inpatients.
- Establish an outpatient physical rehab program.
- Enhance in-house physician services such as neurology, dermatology, urology, and mental health. This would save transportation and staff costs.
- Consider reducing the number of full time positions through attrition and replacing them with part time employees where possible.
- Set up an endowment fund through the Chautauqua Region Foundations.
- Offer a spectrum of care to include assisted living alternatives and other in-home community options.
- Continued advocacy at the state and federal level for increased Medicare and Medicaid reimbursement rates that will cover operating and capital costs. Also, lobby NYS to find alternative funding sources for the IGT program to reduce the financial impact on county budgets.
- Implement and continue to capitalize on opportunities for revenue and service enhancement programs such as Evercare's special needs long term care Medicare plan.
- Initiate project to implement additional energy conservation measures as identified by the recent Comprehensive Energy Audit using NYSERDA incentives and with guaranteed cost savings by the ESCO (Energy Savings Company). Consider having a natural gas well on CCH property to reduce utility costs.
- Have the administrator and/or finance director of the CCH present interim financial statements to the Audit & Control committee on a quarterly basis. A quarterly performance report should also be presented to the Human Services committee.

Conclusion

The CCH is an excellent facility that provides a valuable service to Chautauqua County residents. The subcommittee finds the CCH to be financially viable at this time. However, the continuance of IGT funding is critical for the CCH to achieve future positive financial performance. Whether local contributions to the IGT will be required in 2010 and beyond is unknown. The subcommittee also recommends that the model of the CCH be changed to include assisted living beds as well as a greater emphasis on rehabilitation services. The CCH will face additional financial challenges due to the uncertainty of what Medicaid reimbursements will be under Regional Based Pricing as well as changes to Medicare payment rates. There may be other opportunities but most importantly, the subcommittee unanimously recommends the CCH remain open for many years to come and continue to provide and give excellent care to the residents of Chautauqua County.

COMMUNICATIONS:

1. **Report – Fn. Director Schulz – June 2009 Investment Results**
 2. **Minutes – NYS Fish & Wildlife Management Board – June/2009**
 3. **Highlights – Fish & Wildlife Monthly – 1/15/09 – 3/15/09**
 4. **Letter – NYSDOT – Re: Sealed Bids- Surplus Property/Town of Ellicott**
 5. **Annual Report – 2008 – Community Foundation**
 6. **Proof of Publication – Public Hearing –JCC Lse. –Jmst. Airport**
 7. **Director's Report – Youth Bureau**
 8. **Chaut. County Home Leg. Review Sub-Comm. Report**
 9. **NYSDEC – Public Notice – Inactive Hazardous Waste Disposal Site Delist Notice n-Falconer, N.Y.**
 10. **Town of Chaut. – Re: Establishment of Water District #3**
 11. **Chaut. Co. Soil & Water Conservation District Minutes – June/2009**
 12. **Letter – Schoharie County – Re: Resolution Requesting NYS to Take Back Local Share of Medicaid as a Component of True Medicaid Reform**
 13. **NYSRPS – Re: Certified 2009 State Equalization Rates**
 14. **Report – Fn. Director Schulz – May 2009 Investment Results**
 15. **Res. Fulton County – Re: Opposing Various Proposed Anti-Gun Owner Legislation in NYS**
 16. **Letter – Water Quality Task Force – Re: Continued Cooperation w/ DPF on Erosion and Stormwater Management for Road Construction for 2010**
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VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS

FROM 06/24/09

Veto# 1 RES. NO. 127-09 - Resolution of the County of Chautauqua for the Additional
2009 Occupancy Tax Allocation

Veto Message

Dated July 6, 2009

On June 24, 2009 the Chautauqua County Legislature voted to authorize the use of \$10,000.00 of Occupancy Tax Reserve monies for "...a special event at the 2009 Scandinavian Folk Festival, an exhibit of photography by Arno Rafael Minkinen, originally from Finland...".

The Resolution was sponsored by Legislator Shawn Heenan and shown as an item from the Planning and Economic Development and Audit & Control Committees. However, the regular Planning Committee meeting was cancelled in May and June, and as a result the Resolution was first presented at the Audit and Control Committee on June 18, 2009 where it was tabled because of the lack of information on this matter. The issue was not addressed again until June 24, 2009, 30 minutes before the full Legislature meeting during a special meeting of the Planning Committee where the Resolution was amended to show that the money would be allocated to the Weeks Gallery FSA and the Resolution passed out of committee 3 to 1.

The debate that occurred on the Legislative floor immediately following that vote clearly demonstrated that the majority of the Legislators had little, if any, information about the specifics of the Resolution. I believe that many had never seen the application, had no idea of the reason for the funding, the nature of event, the artist, the budget, the impact that it may or may not have on tourism, or any other details, yet the Legislation passed by a vote of 15 to 10.

Immediately following the vote, I began receiving communications from Legislators, operators of businesses who are required to collect Occupancy Tax dollars, as well as a variety of tax payers, all whom opposed the Legislation and asked for my veto of the Resolution. Most disturbing was that the Legislature adjourned at 7:38 pm and my first communication from a Legislator occurred less than 3 hours later at 10:19 pm, followed by a number of other Legislators who stated that they were misled by the presentation, were not given essential facts or information and that they would not have voted in favor of the Legislation if they had been given the facts. Having been petitioned to veto the Resolution I began to review this matter conducting some basic research to determine the facts. The research was not difficult nor did it require significant investigation or special credentials.

From the application itself available at the Legislature Clerk's office:

1. The Occupancy Tax application was submitted and time stamped as received by the Legislature Clerk's office on May 4, 2009 at 11:47 am. (51 days before the vote).
2. Organization/agency applying for the funds: Faculty Student Association (FSA), Scandinavian Folk Festival (SFF), and JCC's Weeks Gallery.
3. The application was submitted by project director James D. Colby Weeks Gallery/JCC.
4. The project name was Global Collection of Photography: Tourism Exhibition/Event.

5. Project timeline: Weeks Gallery June 8- July 30, 2009

6. Total project budget \$30,100 as follows:

occupancy tax	\$10,000
funds from applicant	\$ 4,100
National Endowment for the Arts	\$10,000
Chaut. Region Community Foundation	\$ 6,000

From telephone calls to JCC:

1. The money was to be used to purchase photographs for the Weeks Gallery.
2. The exhibit had been on display since approximately June 8, 2009.
3. A promotional brochure had been available for some time (with the same photo on the cover that has been on billboards around the County).

From a simple Google search using the artist's name:

1. The background of the artist in detail.
2. The nature of the work of the artist.
3. Photos were easily attained and viewed on line.

From telephone calls with the Director of the Scandinavian Folk Festival:

1. The Scandinavian Festival had given the Weeks Gallery \$1,000 themselves, along with another \$1,000 from the Scandinavian Studies Program toward the purchase of the photos.
2. The SFF had already received a separate \$3,000 allocation from the County Occupancy Tax as part of the regular cycle of applications, independent from this photo exhibit application.

All of these facts were available prior to the full Legislature meeting on June 24, 2009; however I could not determine why this information was not known by Legislators and not part of the debate that evening.

The Occupancy Tax is a County Legislature initiated and dispersed tax that now collects in excess of 1.3 Million Dollars per year. After some controversy had previously developed about how the funds were dispersed, the Legislature instituted a process to have applications for funding by occupancy tax dollars presented and reviewed by an independent panel. This panel follows prescribed measurements to rank the applications by merit, then recommends funding only those who meet the criteria. In 2009 approximately 30 applications were filed and reviewed by the panel and only 11 were recommended and subsequently funded by the Legislature. However, after this process was completed a Legislator filed a Resolution to fund a project that was not recommended for funding by the panel, located well down the list below other projects that were also not funded. After substantial debate on the floor the Resolution passed by a majority of the Legislators and this project was funded despite not meeting the expectations of the panel.

Since that action was taken by the Legislature, a number of other projects have been presented directly by individual Legislators by Resolution seeking funding for projects outside the established process, without review by the panel, without analysis of the other projects on the

list, and without any prescribed process for analysis by the Legislature. Certainly some of these may have met with success if filed within the bounds of the established review process, but certainly some would have had difficulty successfully receiving funding over projects that were rightfully passed over by the panel. However all of these Legislator sponsored projects have received funding from Occupancy Tax dollars.

It is my opinion that the funding of these Legislator sponsored projects, without a mandatory procedure for review, has opened the door for a rush to acquire public money for constituent events. Any way you analyze these funds they are tax dollars that require careful application particularly when the fund from which they are pulled is a "reserve fund". Two years ago the County had to spend approximately \$60,000 for the emergency removal of dead carp from Chautauqua Lake the week prior to July 4th. This emergency gave rise to the need for a reserve fund of occupancy tax revenue to deal with such an event. Comments on the floor of the Legislature in support of the most recent request for funding included a statement similar to the fact that the money is not doing us any good sitting in an account, causing me concern that there may be a lack of understanding of the reason for a reserve account, such as true emergencies or a situation when occupancy tax revenue drops precipitously.

There can be no confusion about my continuing support for the Scandinavian Festival, JCC, and the Weeks Gallery. Both my family and my wife's family have Scandinavian heritage, and we look forward to the upcoming festival. I have promoted and successfully budgeted for an investment of over 3 Million Dollars by the County in JCC for the building of the new Science Center in addition to my support for the construction of the new dorm facilities on the Jamestown campus. I also recently appeared at JCC to support the presentation made by the college to local high school juniors encouraging them to consider JCC as the next step in their educational career. As part of JCC the Weeks Gallery has received my support and is regularly cited by myself and others in my administration as an excellent gallery that adds to the quality of life that we have in Chautauqua County. More importantly the Chaut. Co. IDA has already given the Gallery \$1,500.00 toward the purchase of these same photos.

Because of the undeniable evidence of my support for these institutions I am confident that concerns about the process used to promote the funding for the Weeks Gallery purchase of photos by Arno Rafael Minkinen will not negatively affect either the Festival or JCC.

I am submitting my Veto of the Resolution providing \$10,000.00 of Occupancy Tax revenue for the purchase of photographs for the Weeks Gallery. My reasons are varied and significant but in no way signify a lack of support or appreciation of the work of these organizations. The reasons for my veto are:

1. The distribution of tax dollars must be done in a manner which instills confidence and trust by those who have to pay and/or collect the tax.
2. As County Executive I am entrusted with the authority and ultimate responsibility to assure that our Government is accountable to the tax payers and works as efficiently and effectively as possible.
3. Legislators have told me that they do not support the expenditure after discovering the facts of the application.
4. My veto sends this Resolution back to the Legislature who can reconsider the basis for the

request and override my veto with just two more votes than it passed originally, or modify the Resolution which then could be passed with just 13 votes of the 25 members.

To avoid the continuation of these types of issues with the distribution of the taxes collected through the Occupancy Tax I call upon the Chautauqua County Legislature to set procedures for the consistent analysis of all applications for funding from the Occupancy Tax, including mid-year, or 'emergency' applications. The procedures must provide for an analysis of the amounts available in the fund, protection of a true reserve account, and respect for those applications that followed the process within the formal annual review but were not funded. I ask that the Legislature require that all applications be reviewed by the already established panel and that this panel be empowered to apply the standards that must be met before it can be introduced to the Legislature. The procedures should also assure that any project that was not funded in the annual review process would not be prejudiced by the depletion of funds by mid-year applications that could reduce the funds for the upcoming year. Another essential component must be that the panel and the Legislature each review the status of the current revenues being deposited into the Occupancy tax account before allocating funds outside the annual review process. This has not occurred and as a result the Legislature may be obligating funds that will not materialize, resulting in the General Fund of the County being required to stand behind the allocation.

I am confident that if the Legislature will apply a bi-partisan analysis of this matter, procedures can be established to improve the process of dispersing Occupancy Tax funds. Successfully addressing these valid concerns is essential to restore the confidence of the people of our County in the manner in which these tax dollars are being appropriated to increase tourism, overnight visitation, and the long term sustainability of a valuable resource, our tourism revenues.

Gregory J. Edwards, County Executive, Chautauqua County

LOCAL LAW:

LOCAL LAW INTRO. 6-09 – A Local Law Providing for Written Notification of Defects and Obstructions on County Roads and Other Property in the County of Chautauqua as a Condition Precedent to the Maintenance of a Civil Action

R/C Vote: 21 Yes; 2 No; 2 Absent (No's: Duff, Wilder)

RESOLUTIONS:

RES. NO. 129-09 – Confirming Application and Acceptance of Grant from Division of Probation and Correctional Alternatives for the Alternatives to Incarceration (ATI) Program for the Calendar Year 2009, by Public Safety and Audit & Control Committees – **UNANIMOUSLY**

ADOPTED

RES. NO. 130-09 – Authorize Acceptance of 2009-2012 NYS Crime Victims Assistance Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 131-09- Authorize Acceptance of 2009-2012 NYS Crime Victims Assistance Grant for Child Victims of Crime, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 132-09 – Authorize Agreement with Chautauqua Lake Central School District for Purchase of Fuel for Sheriff's Office, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 133-09 – Authorize Agreement with City of Jamestown for the Operation and Administration of the Economic Development Zone, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 134-09 – Authorize Extension of Lease Agreement with JCC for Classroom Space at the Chautauqua County Jamestown Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 135-09 – Accept EDA Funds to Improve Access to the North County Industrial Corridor, by Public Facilities, Planning & Economic Development and Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 136-09 – Investment Policy for the County of Chautauqua, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 137-09 – Amending Resolution 171-08 Regarding RPTL Article 11 Tax Foreclosure, by Administrative Services Committee

Legislator DeJoe: I would like to move to TABLE.

Legislator Croscut: Second.

CARRIED w/ Barmore and Caflisch voting "no" to table.

RES. NO. 138-09 – Adjust 2009 Health Department Accounts, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 139-09 – Amending Department of Planning Budget Accounts to Include Additional Snowmobile Trail Fund Money, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 140-09 – Authorize Lease Agreement with Town of Chautauqua – Office Space Mental Hygiene Departments, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 141-09, Additional 2009 Occupancy Tax Allocation – Light the Lakes, by Planning & Economic Development and Audit & Control Committees

Legislator Croscut spoke in favor of the resolution.

Legislator Stutzman spoke in favor of the project but stated he will be consistent in voting in the negative as procedure is still not being followed and felt that the procedure should be reviewed and changes made.

Legislator Heenan stated that he voted no in caucus but in after talking with the individuals in charge of the projects, will now be in support of the resolutions.

Legislator Barmore spoke in favor of both projects.

Legislator Huckno stated he is in favor of the projects but the procedure was not adhered to and will be voting no.

Legislator Babbage spoke in favor of both projects.

Legislator Keefe stated that the veto was not going to persuade his voting and that this was a legislative initiative and will support the projects.

Legislator Caflisch spoke in support of the resolution.

Legislator Duff spoke in favor of the projects.

Legislator Lemon spoke in favor of the projects.

Legislator Wilder spoke in favor of the projects and also stated that he would like to see the Legislature develop a plan.

Legislator Gould: Call the question.

Chairman Ahlstrom: All those in favor?

UNANIMOUSLY CARRIED

RES. NO. 141-09 – R/C Vote: 20 Yes; 3 No; 2 Absent (No's: Huckno, Stutzman, Ahlstrom) – **ADOPTED**

RES. NO. 142-09 – Additional 2009 Occupancy Tax Allocation – Airshow/Jamestown – R/C Vote: 19 Yes; 4 No; 2 Absent (No's: Huckno, Kindberg, Stutzman, Ahlstrom) – **ADOPTED**

RES. NO. 143-09 – Authorize Sale of Tax Delinquent Parcel in Village of Celoron

Legislator Keefe commended Legislator Huckno for the work that he had put into this project and will support it.

RES. NO. 143-09 – R/C Vote: 23 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 144-09 – Quit Claim Deeds, by Administrative Services Committee – R/C Vote: 23 Yes; 2 Absent – **UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS:

Various Legislators announced special occasions happening in their communities.

2nd Privilege of the Floor

Mr. Dalpra thanked the Legislature for supporting Res. No. 141-09.

Ms. Hutton thanked the Legislature for supporting Res. No. 142-09.

Mayor Frey thanked the Legislature for coming down to Dunkirk.

MOVED by Legislator DeJoe, SECONDED by Legislator Caflisch and duly carried the meeting was adjourned. (8:02 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Regular Legislative Meeting
Wednesday, June 24, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

Legislator Park delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Caflisch, SECONDED by Legislator Lemon and duly carried, the minutes were approved. (05/27/09).

1st Privilege of the Floor

No one chose to speak at this time.

Chairman Ahlstrom: I have a request, Legislators, if you would so wish to suspend the rules and take out of order Resolution 126-09 because I know that there are some questions for the Sheriff and he has a speaking engagement down the road and he will be able to do all if we can move him up. Would someone like to make that a motion?

MOVED by Legislator Croscut, SECONDED by Legislator DeJoe

Unanimously Carried

RES. NO 126-09, Setting Salary for Director of Aviation Operations & Maintenance, by Administrative Services and Audit & Control Committees

Legislator Caflisch: Thank you Mr. Chairman. I attended the Public Safety meeting last October when the Sheriff brought up the purchase of new helicopters and in the discussion I didn't find anything about the positions being upgraded or adding new positions. The budgeted amount that he presented under his proposal and I didn't see it there either at that same meeting, I asked for the financials from WCA Services because as a Legislator I still don't fully understand the relationship between the County and Starflight and WCA Hospital. I believe that there needs to be a lot more transparency. It appears to me again, that WCA Services is the major beneficiary of this whole agreement. They are the ones reaping the benefit from the helicopter or the revenues that the helicopters produce. I'm not sure where this increase in salaries is going to come from and I'm also afraid that the appearance here that we are going to move one person who is a Deputy Sheriff out of the patrol and into the Starflight Program and then we are going to have to

replace a Deputy. We are going to have a net increase of one position and raising the salary of two more. I just can't support it at this point in time. If the Sheriff wants to respond I'm happy to listen and maybe ask some questions.

Legislator Huckno: When we talk about reaping the benefits as Legislator Caflisch has just spoken and he has turned this into who is going to make a profit and where the loss and gain of the profits made by those citizens that we save in our county. This move will help us continue to upgrade the Starflight Program with better helicopters. The others were just about shot and this money has been budgeted for and this is a citizen program. We never know when our neighbors, relatives, or friends are suddenly in a car accident, critically ill, heart attack, or stroke and need that service immediately. It is not the time to bicker as to who is going to make a penny or not on this. This is a program that we are upgrading for our citizens of Chautauqua County and we should all approve this.

Legislator Richmond: The concern that I have with this Resolution is not that these Aviation Operations and Aviation Maintenance jobs are perhaps not necessary but I am very uncomfortable with the grade level 28 and the salary. When I hear continually in the news media and among the public of the runaway expenses of the County one thing that is in the news constantly at this point is the very strong request to reduce the number of Legislators. By reducing Legislators to 15 that identifies in the paper by saving \$100,000 to the public tax payers which they dearly believe is rightfully theirs rather than the County Governments. These two position increases I'm guessing with the two individuals that it could eat up the majority of the \$100,000 that would be saved by the reduction in the Legislative body count. In addition to that, last year when the Salary Review Commission made the recommendations to the County suggesting that the County Executive receive a \$10,000 raise. There was an outcry that it was far too expensive and these are terrible times and we can not afford any increase what so ever. Because of that, I will not support this Resolution at grade 28. If a Motion is made to adjust that grade 28 to the salary of the existing individuals, I would then support it.

Chairman Ahlstrom: Are there any other Legislators? Sheriff do you have any comments on this?

Sheriff Gerace: That is a lot of questions. Let me try to deal with them one at a time as I can recall them. First, the question about the proposal the Director of Flight Operations was in the proposal that I shared with the Legislature last year. Mr. Caflisch, there were two different versions and you had asked for. Originally, I had handed out the summary and then I had handed out a detailed version. The Director of Flight Operations is required by the FAA as a position before we can apply for our Part 135 which is a commercial designation for the program. It gives us the ability to charge for services. We are not adding an employee and there is not a Deputy Sheriff that is going to be put into this position. It will be a Civilian Pilot who will carry two titles

the Pilot and the Director of Flight Operations. The current Pilot grade and I'm sure Mr. Richmond that you are looking at the top step of the proposed salary. The current hourly rate of a Pilot at top step of grade 19 of the CCSEA Contract is \$29.14 an hour. We had to select according to my understanding from Human Resources a new position has to be in the CSEA bargaining unit. So, we selected that grade that has the next higher hourly. It doesn't mean that person is going to \$77,000. They would go to the next hourly rate higher than they are earning today. That is why it was selected in that range. The business plan is for the revenue of the helicopter to pay for the entire operations that the County provides and to do that we had to move into a commercial class and that is part of the 135 and I use that term designation the FAA has for commercial carrier. Before we can apply for our FAA Part 135 certification, we have to name a Director of Flight Operations and that is why I'm here with this proposal tonight and we have to name the Director of Maintenance as well. They have additional responsibility not additional people. The only person that I talked about before and I continue to, is that in order for us to fly in this 135 classification we have to have a fourth full time Pilot. That is also budgeted in our business plan because you can't fly anything more under the FAA 135. A Pilot can not be on duty more than 14 hours a day. We currently work a 24 hour shift. We can't do that or a 12 hour shift with three full time people so thus we proposed a fourth position. That is the only new addition to the program and that is in our business plan. I don't know if that explains everything or I missed something so please ask and I will try and clarify.

Legislator Keefe: Please tell us about the Medicaid reimbursement?

Sheriff Gerace: Under the Part 91, which is what we fly today, is called a public category. That is the use of military aircraft. It is regulated differently by the FAA. The regulations for Medicare prohibit anything but a Part 135 operator to be eligible for Medicare reimbursement thus we have not been able to charge Medicare for flights that we have taken where patients are on Medicare coverage. With the Part 135 designation, we will be able to do that in the future.

Legislator Keefe: So, this is the next step in making that preparation. Do have a time limit when you will have the operations going?

Sheriff Gerace: I can tell you what I'm hoping for because the FAA is very encouraged by our progress to date. They have visited us twice unannounced which is common for them to do and they were very impressed with the operation and the documentation and they said that they would move forward as fast as they can once we apply. I'm hoping and you can't hold me to this because I don't control the FAA but I'm hoping by the beginning of the year as we had planned we will be under the 135 operations.

Legislator Keefe: Will the delay of a vote tonight interfere with that starting date?

Sheriff Gerace: It would because we need to name the director before we can apply for the 135.

Legislator Keefe: That would impair your ability to raise revenues?

Sheriff Gerace: We can't increase our revenue until we get this 135 designation.

Legislator Crocut: In last year's budget or the years before budget, I believe there was a \$364,000 expense for Starflight. Do I understand that this will eliminate that expense on our County Budget because that will be gone if we continue to move forward to this 135?

Sheriff Gerace: The answer to that is it is the business plan for us to be self sufficient. Not only would the County not be budgeting money for the program but WCA Foundation has been donating \$360,000 since the conception of the program. They too would not take and direct money to other priorities at the hospital.

Legislator Barmore: Thank you Mr. Chairman. You said Medicare?

Sheriff Gerace: Yes, I said Medicare.

Legislator Barmore: Medicare is Social Services it is not the elderly right?

Sheriff Gerace: Well the Medicaid is State and the Medicare is Federal as I understand it.

Legislator Barmore: So currently we are transporting patients for free?

Sheriff Gerace: Yes, that could happen.

Legislator Barmore: We will be able to get reimbursed under this new program?

Sheriff Gerace: There will still be uninsured and uncollectibles if you will. We know that the triage people don't ask them if they are covered. It just happens and I'm not trying to be a wise guy. That will happen and we will still have uncollectibles and we have budgeted for uncollectibles in our business plan because there are people that are not covered in any way shape or form.

Legislator Wilder: The additional Pilot that you will need does the Sheriff's department already have a Pilot trained and ready to go?

Sheriff Gerace: No, but there a number of Pilots and we have already begun the inquiry of

to who might be interested in this position and there have been a number of pilots who have reached out to us and we have interviewed a bunch of them. We have to replace a pilot through attrition anyway. We were surprised with the announcement of one of our Pilots retiring at the end of this month. We have interviewed a number of individuals already.

Legislator Wilder: I would assume perhaps the County is responsible for the cost of that training?

Sheriff Gerace: They are trained or else we can't hire them. The only thing that we have to do is a check ride in the new helicopter unless they are certified in that helicopter.

Legislator Wilder: In a sense I guess my original question was are they already trained before they are hired?

Sheriff Gerace: Yes, they will come with a commercial pilot's license and rotor instead of fixed wing.

Legislator Wilder: I see.

Sheriff Gerace: Or they could have both.

Legislator Wilder: So, the County doesn't incur the cost of the education of the pilot?

Sheriff Gerace: No sir. The only exception is the check ride. That person would have to be given a test ride with a FAA certified instructor to make sure they were competent to fly that model of aircraft.

Legislator Wilder: Thank you.

Legislator Heenan: If we delay this for six months what would be the cost to the County?

Sheriff Gerace: Well, we would have to look at what we have currently budgeted and if there are any additional expense with wages and etc. and then the period of time would be six months or half of what I had budgeted so I would say in the \$150,000 range. That is really a rough estimate.

Legislator Heenan: That we could potentially lose?

Sheriff Gerace: Well, we are funding the Starflight Program for almost \$300,000 and I don't recall the exact budget amount off the top of my head it might be in the \$280,000 range.

Darin or Kitty might be able to help.

Mr. Shultz: About 350.

Sheriff Gerace: So, we would have to continue to do that to stay in operation until we could finance a commercial carrier.

Legislator Heenan: So this is actually going to make money?

Sheriff Gerace: There is a potential that there could be excess revenue but again, I want to break even.

Legislator Heenan: So by delaying this it will cost us money?

Sheriff Gerace: Yes, it could.

Legislator Caflisch: Thank you Mr. Chairman. Originally, the proposal that you put forward you had projected net revenue of \$2,478,350 based on 350 flights. That is \$7,000 per flight. Are you saying in this proposal you are targeting every one of the 350 flights to generate \$7,000?

Sheriff Gerace: That would be the average.

Legislator Caflisch: Then tell me what the costs are for on Starflight. What do they charge?

Sheriff Gerace: What do they charge today or what are we proposing?

Legislator Caflisch: Under the new rates what are you going to propose?

Sheriff Gerace: There is a fee that when you charge the insurance companies or the individual and that is based on the distance from the aircraft with the patient from base or seen to the hospital. We don't do the billing so I can't give you an exact answer but that \$7,000 is the average of all of the flights for 350 flights. That is our projection and that is below the national average. Some places charge even more.

Legislator Caflisch: So, your proposed rate structure is comparable to what in New York State? Who is charging the same fees?

Sheriff Gerace: I can't answer that because I don't know.

Legislator Caflisch: So you don't know Mercyflight or Lifestar's fees?

Sheriff Gerace: Not specifically, we have asked questions and I know they are very similar or more than this but they don't share that data with you. They don't have to because they are private.

Legislator Caflisch: I remember you saying at the committee meeting what a Medicaid flight would be for the uninsured. Is it around \$1,000 is that correct? I heard that number somewhere.

Sheriff Gerace: No, I don't recall that. There is a rate and I don't have the data but you have me in front of the microphone without it but I can get it to you. There is a maximum Medicare that will be reimbursed for the flight and the mileage. I don't know what that figure is but it is more than \$1,000.

Legislator Caflisch: Okay, and the other question that I have Mr. Chairman, to ask the Finance Director if he has gone up for a bond issuance on this yet as interest rates are moving up? I'm just checking to see where we are at on the bond.

Mr. Schultz: Currently, we pay for that through the issuance of a bond anticipation note in January. We are not looking at long term rates even though the Mortgage rates you see 10 year rates going up but the actual lending between other qualified agencies between banks and governments and other institutions has really been pretty stable. I do not expect our rate if we go out to bond now maybe even a little higher now than it would be if the credit markets really fall. The ratio with a one year note with the intent of issuing another one year note in order to get the FAA approval to Part 135 in order to start the revenue model in motion otherwise we would owe principle and interest one year from the date of issuance. The intent was to push the principle off in order to get the model running and then the revenue would be able to pay for that principle.

Legislator Richmond: I would like to make a Motion to amend the operations grade from 28 to 19. I present that as a Motion or amendment.

Legislator Croscut: I will second that.

Chairman Ahlstrom: There is a motion to second it but I'm going to ask if we can legally do on this. This is sent through Human Resources Department and I don't know if the Legislature has the ability to undo a contractual item.

Mr. Abdella: Well first of all, I think that 19 was in a different bargaining unit. So, 19 in

CSEA would be different than what 19 was in the particular Sheriff's union that it was in. I would recommend that if a change is necessary or desired that this Resolution simply be exceeded as opposed to amended. We really should have the Human Resources analysis or classification if we are going to have a different pay grade.

Chairman Ahlstrom: I would ask that you withdraw the Motion.

Legislator Richmond: No.

Chairman Ahlstrom: Then I will rule the motion out of order. Are there any other discussions on 126? Seeing none, Clerk call the roll.

RES. No. 126-09-Setting Salary for Director of Aviation Operations and Maintenance-R/C
Vote: 23 Yes; 2 No (No's: Caflisch, Richmond) -Adopted

Capital Projects Update
By Douglas Bowen

COMMUNICATIONS:

1. Letters (4) – Co. Executive – Appts. Ethics Bd., COI, JCC, Traffic Safety
2. Quarterly Report – NYS Small Business Development Center
3. Draft Minutes – Chaut. Co. Soil & Water Conservation District
4. Letter – NYS – Re: Sealed Bid Auction of Surplus Property/T. of Ellicott
5. Letter – NYSAC – Ack. Receipt Motion 5-09
6. NYSDEC – Fish & Wildlife Monthly Highlights (3/16-4/15/09)
7. 2010 Capital Budget & 2011-2015 Capital Plan

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 05/27/09

LAID ON DESKS FOR ACTION AT THE 7/29/09 MEETING:

LL INTRO. 6-09 – A LOCAL LAW PROVIDING FOR WRITTEN NOTIFICATION OF DEFECTS AND OBSTRUCTION ON COUNTY ROADS AND OTHER PROPERTY IN THE COUNTY OF CHAUTAUQUA AS A CONDITION PRECEDENT TO THE

MAINTENANCE OF A CIVIL ACTION

RESOLUTIONS:

RES. NO. 115-09, Confirm Appointment – JCC Board of Trustees, by Administrative Services Committee

Legislator Kindberg: I have for as long as I have been employed at Jamestown Community College and I have disclosed that fact on my annual County Ethics Disclosure and it was always my understanding that while I could abstain from votes having to do with JCC that I did not have to. I have understood for years that I have been a Legislator that I did have to ask to abstain from votes that directly impact me or my family personally. For that reason, I have always abstained from votes on my husband Tim's contract because he is an employee of the County. It has recently come to my attention that perhaps I should be asking to abstain from all votes having to do with JCC. I guess I'm making that request at this point.

Legislator Huckno: I believe that Legislator Kindberg has been very diligent when she has questions that arise. I believe that her input and vote is important and that she should not be abstaining unless it directly impacts her position.

Legislator Keefe: I know that there has been cases where issues that come up concerning school districts and specifically the one that I work at and I was always under the impression that there were no economic gains to be made by any votes then there was nothing against me voting on an issue of my district. So, I'm wondering if I would need to abstain from every vote for school districts or specifically mine.

Chairman Ahlstrom: I had a discussion with Mr. Abdella prior to the meeting and I have asked Mr. Abdella to prepare changes to the code for our next meeting. The code will reflect that as long as I have been here has been the process. Legislators make known and more times than not the Legislature tells the person asking for abstainment that we have no financial gain in this so you should be allowed to vote. We will also put in that when we do that it will be an actual vote of the Legislature so that we have a record of the Legislature granting a Legislator the ability to vote. I think that way would be the correct way to go that we change the code to as Mr. Abdella has informed me possibly being more along the lines of what the State Law is on it as opposed to what we have here in the County.

Legislator Hallquist: Actually, I have a comment. I believe that the public actually relies on Legislator Kindberg's experience and her involvement with JCC. Obviously, she does not

receive financial gain and if she continues to be diligent as she has proven in the past like everyone else here. As you said, the others have asked of the Legislatures approval or disapproval she should absolutely continue.

Chairman Ahlstrom: Are there any other comments on this? I am going to ask for a show of hands from the Legislature and I believe that this would have to be referring to the negative so Legislator Kindberg has requested that she be allowed to abstain from voting. So a negative would allow you to vote and a yes vote would not allow you to vote. All those in favor? All those opposed? Legislator Kindberg you may vote on this Resolution.

RES. NO. 115-09, Confirm Appointment – JCC Board of Trustees, by Administrative Services Committee-UNANIMOUSLY ADOPTED

RES. NO. 116-09, Confirm Appointment – Chautauqua County Ethics Board, by Administrative Services Committee-UNANIMOUSLY ADOPTED

RES. NO. 117-09, Confirm Re-Appointments – Chautauqua County Opportunities Inc., by Human Services Committee-UNANIMOUSLY ADOPTED

RES. NO. 118-09, Confirm Appointments & Re-Appointments – Chautauqua Co. Traffic Safety Board, by Public Safety Committee-UNANIMOUSLY ADOPTED

RES. NO. 119-09, Authorizing Public Hearing on Lease Agreement w/ JCC for Classroom Space at the Chautauqua County Jamestown Airport, by Public Facilities Committee

Legislator Kindberg: I have to ask for permission to abstain from this as well since it does deal with JCC.

Chairman Ahlstrom: We will vote the same as last time a yes vote will not allow her to vote and a no vote will allow her to vote. All those in favor signify by saying aye. All those opposed? Legislator Kindberg you may vote on this.

RES. NO. 119-09, Authorizing Public Hearing on Lease Agreement w/ JCC for Classroom Space at the Chautauqua County Jamestown Airport, by Public Facilities Committee-UNANIMOUSLY ADOPTED

RES. NO. 120-09, Amending Resolution 208-07 to Increase Local Share for T-Hangar Project and Amend Resolution 113-09 to Adjust Funding for Taxilane at Dunkirk Airport, by Public Facilities and Audit and Control Committees-UNANIMOUSLY ADOPTED

RES. NO. 121-09, Authorizing the Implementation and Funding in the First Instance 100% of the Federal Aid Eligible Costs of a Transportation Federal Aid Project, to Fully Fund the Local Share of Federal Aid Eligible and Ineligible Project Costs, and Appropriating Funds Therefore, by Public Facilities and Audit & Control Committees-**UNANIMOUSLY ADOPTED**

RES. NO. 122-09, Authorize Agreement with Property Owner for Lease of Liquid Brine Tank Storage Area, by Public Facilities and Audit & Control Committees-**UNANIMOUSLY ADOPTED**

RES. NO. 123-09, Adopting 2010 Program Outcome Statements, by Chairman Keith Ahlstrom-**UNANIMOUSLY ADOPTED**

RES. NO. 124-09, Chautauqua County Purchasing Policy, by Administrative Services Committee-**UNANIMOUSLY ADOPTED**

RES. NO. 125-09, Authorize Increase in Funding for Health Dept. Laboratory Renovation, by Audit & Control Committee-**ADOPTED** with Legislator Hallquist voting No

RES. NO. 127-09, Additional 2009 Occupancy Tax Allocation, by Audit & Control Committee

Legislator Croscut: Thank you Mr. Chairman. Being on the Planning and Economic Development Committee, I see how many requests that we have for funding and it comes from both sides of the isle so I'm not denying that. We also have a reserve left of approximately \$50,000 and we won't be taking any money in until the end of the year. I have no problem getting this money out into the community for good reason and we have done several things like this. Even the Moving Wall we have financed part of that. The Scandinavian Festival is good reason to give money to that and I have no problem with that but I would like to amend it. I think that \$10,000 dollars is a little steep and I realize some may say well when the money is gone then we don't have to worry about any more requests. But at the same token, I think that there should be some reserve there and there is nothing wrong with having reserve. So therefore I would like to amend it to \$5,000 instead of \$10,000.

Chairman Ahlstrom: Is there a second?

Legislator Richmond: I second it.

Chairman Ahlstrom: It was seconded by Mr. Richmond on the amendment.

Legislator Richmond: May I speak to the amendment?

Chairman Ahlstrom: On the amendment.

Legislator Richmond: One of my observations with the \$10,000 amount is referencing in this Resolution it says to attract approximately 4,000 people. Recently, we did a motion for the Moving Wall and we approved \$5,000 I believe and it was expected to attract between 30 and 40 thousand people. When I look at the differences in dollar values, the presentation that was presented to us for the Moving Wall was extremely impressive with a community effort and the committee's efforts in acquiring funds from a multitude of areas. This particular Resolution does not tell us any of that. Where are other dollars coming from and how much is this really going to be costing and what other entities are going to be providing funds for example, the Moving Wall I think had a half of dozen different places where dollars were coming from to support it. Another observation that I had is and again, I support this festival and think that some dollars should be made available to it but from what I understand it has been an annual event. I would think that being an annual event that a proposal would have been made to the committee which is not made up of primarily Legislators of dollars that would be delegated to that particular event. This doesn't identify that having been done and it only identifies a photography exhibit that is coming along for the two or three days. I think \$10,000 seems like a pretty big chunk of money to me for a photography exhibit. Because of that, I feel that \$5,000 is a compromise of what my personal opinion is. I would support the \$5,000 motion that is in front of us.

Legislator Hallquist: What is the festivals revenue and are you seriously asking for \$10,000 dollars for a photography display? Don't we have enough museums that are asking for money that we can barely support now? I love the Scandinavian Festival and my family has volunteered every single year but there is no way that I'm going back to my neighbors and tell them that I gave them \$10,000 for photography display when I can't take care of the things that we already have.

Legislator Kindberg: I wanted to address a couple of concerns that have been raised and also I wanted to point out that there is a typo in the Resolved clause because this money would not be allocated to the Scandinavian Folk Festival. It would be allocated to the Weeks Gallery FSA. As to the motion to amend to \$5,000 again, a couple of concerns have been raised. One, this \$10,000 would not be allocated for simply one exhibit that would happen on one day. There are a number of community organizations that have come together to sponsor this so it certainly is a collaborative effort that is including money from the National Endowment of the Arts, the Chautauqua Region Community Foundation, the Chautauqua County IDA, Scandinavian Folk Festival, Scandinavian Studies, JCC's Faculty Student Association and Ken & Louis Strickler who I believe run a foundation. They may have just made a private donation to them. So this certainly is not just one organization trying to move this but it is a community wide effort as the sponsor list certainly reflects. In addition, there have been tremendous promotional efforts that

the organizers of this event have attended in an attempt to not only educate other people in our local tourism industry but to get the word out to other metropolitan regions where they propose to be drawing visitors like Cleveland, Toronto, Buffalo, and Pittsburgh. While these photographers do have exhibits throughout the United States and the world, they certainly don't have anything in small communities like Jamestown so we would kind of be on the cutting edge of that here in Chautauqua County. I know that in presenting this as part of the Scandinavian Folk Festival the group is also planning on making these photographs and others by various other Scandinavian artists available to the community at large. So, there has certainly been a great deal of outreach and the 4,000 people that are referenced are the number that they expect to attend on that specific day at the Scandinavian Folk Festival. Apparently, that does not include the thousands that will benefit from the addition of this collection in the years to come as the Weeks Gallery and the FFA organizations make this available to various groups. This is an extremely far reaching project that will be kicked off during the Scandinavian Folk Festival. It is one that will benefit Chautauqua County and its tourism industry well into the future. It has been the desire of the Weeks Gallery to continue working on projects such as these specifically because they tie into the work that Andrew Nixon is doing and creating a more global recognition for Chautauqua County. In fact, we had in committee just before this meeting a presentation by Mr. Nixon and he told us about the County's new branding development initiative called The Worlds Learning Center and certainly organizations such as the Weeks Gallery lend themselves to Chautauqua County being The Worlds Learning Center. So, not only is this being brought to us with great deal of other community sponsorships extensive promotional efforts both inside and outside of Chautauqua County but it fits so nicely into the direction that our own tourism agencies are trying to promote that of Chautauqua County as The Worlds Learning Center. I think that this \$10,000 would be money well spent and I will certainly be supporting it and I hope that my fellow Legislators will do the same. We do have by the way in excess of \$55,000 in the reserve account right now. We have already passed a Resolution this year that will allow us to enhance that fund so that when worthy projects such as this come up in between funding cycles we have the money to put behind them recognizing of course that not everything happens on our schedule. While it is a yearly event, the addition of this portion of the event happened after the funding cycle. That is why we are seeing this outside of the normal steps.

Legislator Barmore: I have three questions for Mrs. Kindberg. Number one, how much other funding is already in place for this project? Number two, what happens if this gets turned down? Number three, do I understand you correctly that these photographs will remain in Jamestown and Chautauqua County after this exhibit is over and become property of some museum?

Legislator Kindberg: The photos will remain here because they are being purchased by the organization so that they can be displayed locally. What will they do if they don't receive the funding I imagine they will go looking for it elsewhere. I believe that the budget was included in

the application that they submitted. I do not have that in front of me.

Legislator Stutzman: I do have to question again if this is a yearly festival or one that occurs on a yearly basis why again, we didn't see an application and for that matter there is probably a number of applications that were not given money this past year because maybe they didn't meet criteria but they did provide us with the application. In this case, I don't see an application which is kind of frustrating. So in the future, if we do have a slush fund and that is what it kind of seems like this is that perhaps we can have applications come up to the Legislators and we can review those applications and know the specifics. Much like they have done this previous year. I'm going to say no to this again because I think that it is just a slush fund that we pour money into things that they throw on our desks and we really can't see the numbers in front of us. It is a very difficult decision although I believe this is a good festival. But again, there is something wrong when we continue to just pour money these things that are thrown on our desks without perhaps that application that occurs on a yearly basis.

Legislator Richmond: Part of my question has been already previously asked and some what answered. To Legislator Stutzman's comments, I to felt that if this was on ongoing event but the very last Whereas does say due to unanticipated addition of the photography exhibit so that clears my mind to say well this was unanticipated and it is very proper for this to come to us at this time and the thing that I also re-asked is how much is it costing to bring this photography exhibit here and exactly is it \$10,000 or is it \$20,000 or \$30,000? For example, when we received the presentation for the Moving Wall it was a very impressive detailed break down of their anticipated expenses and the benefits from those expenses. I have not seen any of that in this particular proposal. Is there anyone here that can answer the question of how much is it costing to bring this exhibit to this event?

Legislator Kindberg: I'm not sure if I can answer the question but I do have some comments. I'm sure it is costing well in excess of \$10,000 and there is an application on file. We do have an application. They went through the exact same process that every other organization that requested Bed Tax money has gone through. It is on file in our office with its budget attached and I'm sure that the application could speak to all of these very specific questions. But to say that there is not an application is not fair to the organization. They did take a great deal of time putting the application together and actually we had a representative here this evening who spoke at the Planning & Economic Development Committee. He did provide some more detailed information which we also have in the Legislative Office. The other thing that I wanted to address was the slush fund idea and yes this is a slush fund. If we want to question whether or not we should be throwing money at groups and organizations I would suggest that is exactly what we should be doing. The Bed Tax money by the very nature of the governing Legislation is supposed to enhance and support tourism activities. That language was provided to us by the state and we adopted it as such. I guess what this Resolution is asking us to do is exactly what we have

indicated we were going to do with Occupancy Tax money. The money that is currently sitting in our reserve account is not giving us much return on investment right now particularly right now in these economic times. I think that it is our duty and our obligation as Legislators to find worthy groups and organizations that are promoting tourism in Chautauqua County and get the money to them so that they can provide a greater return on investment for those dollars. Those dollars are doing us no good when they are sitting in an account.

Chairman Ahlstrom: We are on an amendment to 127-09 is there anyone to speak to the amendment?

Legislator Wilder: I have some questions as to this amount that we are considering is it related directly to the size of the photography exhibit that will be purchased and remain in the County for all County residents to enjoy and if that is the case then I would like to propose as a compromise perhaps \$7,500.

Chairman Ahlstrom: We already have an amendment that is still up for discussion changing from 10 to 5. Is there anyone else on the amendment?

Legislator Hallquist: I don't see how we can vote until we see the dollar amount for \$5,000 when we don't even know exactly how much that it costs. If that is the case, then I would like to know if I sell my pictures at home for \$10,000 or \$5,000 can I send that in. It is silly.

Legislator Huckno: I don't know how much the Scandinavian Festival makes but I also know that I didn't ask on every other proposal for Bed Tax money but there budget was and how much they needed. I do know the Scandinavian Festival. It is a cultural event that brings many, many people to Chautauqua County. Please stop implying that this is tax payer's money coming out of our pockets. This is money that is paid to us from the hotels and different living arrangements. This is Bed Tax money that the sole purpose is for tourism. This is tourism. When the money is gone and there is \$55,000 will be gone for this year. I'm not worried about those who haven't applied for it yet. There is still \$45,000 and if it is a good idea and we approve it we should get rid of that \$45,000 if it is promoting tourism. That's what this is doing. \$5,000 is not enough we should approve the \$10,000 figure.

Chairman Ahlstrom: Are there any other question on the amendment? Seeing none, Clerk call the roll on the amendment.

RES. NO. 127-09-AMENDMENT-RC Vote: 12 Yes, 13 No-**FAILED** (Voting No; Babbage, Cornell, DeJoe, Hallquist, Heenan, Huckno, James, Keefe, Kindberg, Mueller, Nazzaro, Stutzman, Ahlstrom)

RES. NO. 127-09, Additional 2009 Occupancy Tax Allocation, by Audit & Control Committee

Chairman Ahlstrom: Is there any further discussion? Seeing none, we will ask the Clerk to call the roll.

RES. NO. 127-09, Additional 2009 Occupancy Tax Allocation, by Audit & Control Committee-**R/C VOTE: 15 Yes; 10 NO (No's: Barmore, Beightol, Caflisch, Croscut, Gould, Hallquist, Kleparek, Richmond, Runkle, Stutzman)-ADOPTED**

EMERGENCY RES. NO. 128-09, Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2009 Byrne JAG Grant, by Public Safety Committee

Legislator Huckno: I just have a comment. This does not require any matching money from us. So, it does not cost us anything.

Chairman Ahlstrom: Is there any thing else on 128-09? Seeing none, all those in favor signify by saying aye.

EMERGENCY RES. NO. 128-09, Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2009 Byrne JAG Grant, by Public Safety Committee-**UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS

Legislator Duff: Mr. Chairman, I would ask everyone here in regards to the Resolution that was laid on our desks for consideration I just want to say if this passes in this Legislature it is wrong. We have contractors out there doing their jobs.

Chairman Ahlstrom: Are you talking about the Local Law that is laid on for next month?

Legislator Duff: Yes sir.

Chairman Ahlstrom: Then I would ask that you would save your comments for when we have it on the floor for debate.

Legislator Keefe: I would like to let everyone know that the Administrative Services for July will be on the 6th. There will be a State Representative there to talk about the consolidation of the assessments. If anyone is interested, please feel free to come.

Legislator Lemon: I have two of them Mr. Chairman. The first one is I would like to invite everybody to come to the Frewsburg Gala days the week of Friday the 11th and Saturday the 12th of July or maybe it is the 12th. Well somewhere around there. On the 19th, you all should have gotten an email if you have the internet and I'm sorry to Mr. Babbage that he doesn't so I will give him a public invitation. On Sunday, July 19th, the church that I pastor will be celebrating 10 years and at 3:00 in the afternoon that day we will be putting on a Gospel Quartet Concert. A friend of mine will be sharing for about 15 minutes after that. I have also invited several churches in the area to come and pray for the politicians to give us guidance, direction, and wisdom as we try and lead this county and our towns forward. I would like to personally invite all of you to be there so that my friends and colleagues in the church could just pray and support you and this is not a political event. It is a spiritual or an encouraging event so I am inviting all of you and I hope that you all can come. I have had five of you respond already so thank you and the rest of you we would love to have you there.

Legislator Kindberg: I have an announcement and during our last debate I forgot to mention it. In the spirit of full disclosure, I want everyone here to know that my family has an FAA Membership at Jamestown Community College and we carry that so that my sons can go and use the basketball courts and the pool. Since our last Resolution did allocate some money to the Weeks Gallery and the FAA I'm not sure that I will be taking my children to the photography exhibit but they will still be swimming in the pool.

Chairman Ahlstrom: I would like to make the announcement that everyone should have received in the mail that the Chautauqua County Fair will have the opening ceremony at 10:30 am on July 27th and I would encourage our Legislators to come for the 11:00 4-H Presentation. The kids have worked very hard on all of their exhibits and there should be some of us Legislators there to enjoy the fruits of their work.

Legislator DeJoe: I almost forgot that in about two weeks on Friday, Saturday, and Sunday of July 10th, 11th, and 12th are the Brocton Portland Community Days at the community park in the Town of Portland. The purpose of that is to raise funds for part of it goes to the Moving Wall and part of it goes to the students at the school and part of it is ear marketing for the 2013 Centennial of the Arches of Brocton. We just learned that it is the only one in this country that are of its nature. The one in California is not the same type so that money is going to be needed at that point in time.

Legislator Lemon: I'm sorry I forgot to say that on the 11th of July at 5:00pm there will be

a parade and being that this is an election year, there will be people from all over the county there, and I am supposed to invite anyone that would like to march in the parade so you are all invited.

Chairman Ahlstrom: Are there any other announcements? Seeing none, we will move to the Second Privilege of the Floor.

PRIVILEGE OF THE FLOOR

No one to speak at this time.

MOVED by Legislator DeJoe, SECONDED by Legislator Gould and duly carried the meeting was adjourned. 7:38 p.m.

Respectfully submitted and transcribed,
Becky Graham

Regular Legislative Meeting
Wednesday, May 27, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.
Absent: James

Legislator Nazzaro delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator DeJoe and duly carried, the minutes were approved. (04/22/09).

1st Privilege of the Floor

No one chose to speak at this time.

FISHING ESSAY AWARDS
By County Executive Gregory J. Edwards
Chairman Keith D. Ahlstrom

COMMUNICATIONS:

1. Letters (2) – Appts. Planning Board & Fish and Wildlife Management Board
2. Letter – Chaut. Watershed Conservancy – Apptmt. Request to CLMC
3. Letter – Chaut. Water Quality Task Force – Apptmt. Request to CLMC
4. Letter – Chaut. Lake Assn. – Apptmt. Request to CLMC
5. Minutes – Chaut. County Youth Board – May/2009
6. Draft Minutes – Chaut. Co. Soil & Water Conservation Dist. – March/2009
7. Letter – Dept. of State – Re: Ack. Receipt of LL 3-09
8. Letter – Senator Young – Re: Ack. Receipt of Motions 2, 3, 4, & 5-09
9. Letter – NYSAC – Re: Ack. Receipt of Motions 4 & 5-09
10. Letter – NYS Ag. & Markets – Re: Upcoming Review Ag. District 12

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 04/22/09

RES. NO. 98-09, Confirm Appointments - Chautauqua County Fish & Wildlife Management Board, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 99-09, Confirm Appointment - Chautauqua County Planning Board, by Legislator Heenan – **UNANIMOUSLY ADOPTED**

RES. NO. 100-09, Amend By-Laws and Confirm Appointments for Chautauqua Lake Management Commission by Legislator Heenan – **UNANIMOUSLY ADOPTED**

RES. NO. 101-09, Changing Place of the Chautauqua County Legislature July 2009 Meeting, by Administrative Services Committee

Legislator Mueller: I made a commitment as I will be out of town so I am going to vote no.

RES. NO. 101-09 – ADOPTED w/ Legislator Mueller voting "no"

RES. NO. 102-09, Amend Rules and Regulations of the Chautauqua County Legislature, by Administrative Services Committee

Legislator Kindberg: Laid on the desks this evening is a breakdown of the motions that have been introduced this year. It is a two sided document if you want to take a look at it. I have provided a title of each and indicated if the motion passed or failed and if supporting documentation was provided. I have also quoted Sections of Rule 5, the Rules and Regulations of the Chautauqua County Legislature. That's at the top of the page. You will notice that our rules are very clear as to what constitutes a motion and how motions should be introduced. Rule 5A states that motions must be accompanied by supporting documentation that contains "factual information establishing the basis for their consideration by the Legislature and describing the implication of the Legislature's positive consideration". A quick scan of this document illustrates that more often than not the supporting documentation is not provided. In these instances, we are introducing, debating and in some cases moving legislation that does not adhere to our own rules. Clearly this is a problem. Some might suggest that we simply adhere to this rule and refuse to entertain motions that are not accompanied by supporting documentation. However we must also consider Rule 5B that indicates the intent of the motion. To quote, "in motions the Legislature may express its opinion for the good of the County in the form of a statement of policy or "Sense of the Chautauqua County Legislature". In light of this, let us consider some of the motions introduced in 2009. I (*inaudible*) that most of these motions fall into two distinct categories. The feel good motion and the oppositional motion. The feel good motions call attention to worthy events like Black History Month or desires like Cover the Uninsured Month. Laudable issues, yes, but worthy of official legislation? I maintain that proclamations and even simple announcements would draw equal attention to these issues. Then there are the oppositional motions such as opposing the Relocation of Guantanamo Prisoners to New York and Opposing Legislation to Redefine Marriage in New York. Clearly, these issues fall outside of the Legislature's authority and influence, serve no sound purpose before us as a board and are introduced it would seem nearly to (*inaudible*). Considering the daunting task that this body faces, we simply don't have time for such manipulations. I know that some of my colleagues feel that we need to preserve the motion in an effort to maintain a tool for expressing a sense of the Legislature. But to whom are we expressing this sense. State leaders, Federal representatives? Adopted motions we all know are sent

along to offices and staffers in those offices confirm their receipt. Do we honestly think that our motions influence State and Federal legislation? I suggest that if any of us feel strongly enough about a State or Federal issue, we should pick up the phone and call our representatives. Surely a personal call or better yet, a written correspondence would hold more weight than the mere lip service that our motions have come to represent. Or, if Legislators feel it is imperative that their constituents know where we stand on particular State or local issues, Legislators should take the message directly to the voters. There is no need for the Chautauqua County Legislature to waste time acting as an intermediary.

Mr. Chairman, we have serious matters to consider and while I have participated in the introduction and passage of motions in the past, I will not in the future. I hope that my colleagues will join me in that effort in supporting this resolution.

Legislator Lemon: I would like to start out by saying that I believe with the elimination of motions is the wrong way to go for the voice of the people of Chautauqua County. There are several reasons why I believe this with the hope of changing a few of my colleagues minds regarding their decision to support this resolution. First, I would like to state is why I disagree if the point that some of the motions that are made are frivolousness and meaningless. I believe that this statement was disingenuous because no matter how meaningless they might seem to me, if they are brought before this body, it means that they are meaningful to someone else. While I may disagree with someone else's motion, I believe that it is un-American to silence anyone's voice no matter how much I may or may not agree with them. Motions are simple and effective way for the voice of the residents of Chautauqua County to be heard. I have used them several times already myself in my first term as a Legislator and I believe that I have tried to use them effectively. To silence us would be a disservice to our constituents.

Next, I think that we need to consider the fact that there are still radicals out there who are willing to give their lives away to silence our voices. Have we forgotten the attack on Liberty on 911. We do not need to help them by passing laws that will stop our own voices from being heard. No mater how significant it may seem for our own personal opinion. I would like to suggest, that I believe the founders of our nation would have loved to have motions to send to the King of England to have their voices heard prior to the Revolutionary War. I think that we would be dishonoring them if we passed this resolution tonight. Furthermore with the direction that this State is headed in, we need to have more options to have our voices heard more than ever. To silence our voice, certainly won't stop State lawmakers from the damage that they are already inflicting on our as a County and as honest taxpaying citizens. We need every means possible to have our voice be heard. We know, because of the local media, whether they want to admit it or not, we know that one of the reasons we are the third highest taxed county in the country, is because of the mandates that are forced upon us by this State's government with no regards to what we have to say about them. They don't care about us in Western New York but that does not mean that we should just stop speaking up and losing faith that someday our voice will be heard.

Finally, I believe for the thousands of soldiers who have given their lives for freedom sake so that we can have the liberty to speak up, no mater how right or wrong someone else might think we are, to remove any avenue of having our voices heard would be the wrong choice for democracy at any level. So I ask that we honor those who

gave their lives during this week of remembering our fallen, let's not support the removal of freedom of speech in any form. I humbly submit to this body that I will not support this measure tonight.

Legislator Babbage: I would like to refer this as far as Inter-County is concerned. For many of the new Legislators, they might not be familiar with Inter-County of Western New York which this county is a member. These are 19 counties in Western New York. More than just the eight that we kindly think as Western New York. For example, they go as far as Wayne County in the northeast, Cayuga County in the east, Auburn is there. Tompkins County in the east. Ithaca is in Tompkins County. Chemung County is in the southeast which Elmira is a city there. So a total of 19 counties. They meet once a month with the exception of December and January. The meetings are held throughout different counties. Any County can be a host County. Part of the agenda includes discussions of various resolutions submitted by member counties. I would just like to give you an example of some of the titles. This probably went to the May meeting which I was not able to go to because of the distance. Schuyler County had a resolution dealing with support of Senate Bill 1702- the Federal Milk Marketing Improvement Act of 2009, amending the Agricultural Adjustment Act. That particular resolution was desired by Schuyler County. It went to Federal office holders. Another resolution was Steuben County and this would memorialize the State of New York to House New York State Parole Violators in a New York State Department of Corrections. That went to many State officials. Another sample would be from Wyoming County. The Wyoming Board of Supervisors supports efforts of a New York State Farm Bureau to seek relief for Western New York Dairy Farmers. We have dairy farmers in Chautauqua County. The last one, Requesting New York State Legislation for Rational State-wide Economic Development Policies in Reauthorization for Civil Facilities Financing. Orleans County and this of course deals with the IDA's and its powers. So, those are some samples of resolutions submitted by various counties and then voted on by Inter-County. If approved then they are sent on to the respective whether it's State or Federal office holders.

What's my point? If we eliminated that whole business of motions, then I think that this reduces or almost eliminates the chance that Chautauqua County to participate in this particular endeavor. In other words, get our information out to the other counties and then to various State officials. By combining together, 19 counties, this gives us a voice, a much stronger voice, as far as New York State is concerned. So I would be opposed to this particular resolution. I think that we need to write to Motions.

Chairman Ahlstrom: Anyone else to speak to Res. No. 102?

Legislator Caflisch: Roll call vote Mr. Chairman.

Chairman Ahlstrom: I agree, thank you Mr. Caflisch.

RES. NO. 102-09 – R/C Vote: 5 Yes; 19 No; 1 Absent – (No's: Babbage, Barmore, Beightol, Caflisch, Croscut, DeJoe, Duff, Gould, Hallquist, Keefe, Kleparek, Lemon, Mueller, Nazzaro, Park, Richmond, Runkle, Stutzman Wilder) – **DEFEATED**

RES. NO. 103-09, Authorize Agreement w/ Chautauqua Leadership Network for the "Great Chautauqua County Air Show 2009", by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 104-09, Authorize Lease Agreement w/ El Greco Woodworking Inc. for Parking Area, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 105-09, Transfer of Funds for County Home Project, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 106-09, Authorizing Creation of a Fire Response Team, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 107-09, Authorize Execution of Agreement with City of Jamestown for Fiscal Year 2009 Byrne JAG Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 108-09, Homeland Security Program for Fiscal Year 2008, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

Legislator Croscut: We have an amendment.

Chairman Ahlstrom: Thank you Mr. Croscut for the timely reminder. It was a unanimous vote on it. Any objection of bring 108-09 back to the table.

No objection given.

Legislator Croscut: I would move it.

Legislator Caflisch: Second.

Chairman Ahlstrom: The amendment is on everybody's table I believe. On the amendment, any discussion? All those in favor?

RES. NO. 108-09 amendment – UNANIMOUSLY CARRIED

Chairman Ahlstrom: On the resolution as amended. Any discussion?

RES. NO. 108-09 as amended – UNANIMOUSLY ADOPTED

RES. NO. 109-09, Increase Appropriation Accounts for Cola Funding, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 110-09, Distribution of Mortgage Tax, by Administrative Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

Legislator Kindberg: I would like to suspend the rules and take Res. No. 112-09 out of order.

Legislator Croscut: Second.

Chairman Ahlstrom: Any objections? All in favor?

Unanimously Carried

RES. NO. 112-09, Quit Claim Deeds, by Administrative Services Committee – R/C
Vote: 24 Yes; 1 Absent – UNANIMOUSLY ADOPTED

Chairman Ahlstrom: If there is no objection from the Legislature, I know that we have one member in the audience who would like to speak to us tonight under the Privilege of the Floor. I would ask that without objection that we would allow him to address us now because it may be awhile before we get to our normal second privilege of the floor. Is there any objection? (*None seen*)

2nd Privilege of the Floor

Mr. Jay Warren, I am a resident of Chautauqua County and have been all my life minus a few years out of state for school. I am currently representing Urban Engineers. Urban Engineers is a medium size engineering firm. We have 10 offices in the northeast. Our headquarters are in Philadelphia. We have Buffalo office and an Erie office. The goal of the company is to work everything in between Erie and Buffalo. We feel that we are very well suited to do that and work with municipalities, work with the County, work with private developers, private individuals. I have been to 13 different village or town meetings. I have visited 39 out of 42 highway superintendents to let them know and let you know that we are around. We did send bulletins out to all the municipalities to let them know of our availability. We do feel that we have a wonderfully qualified staff of folks. I think the impedance here is, we have two of us that are members of the company, that live in Chautauqua County and we are here to serve the County and feel we could do a very adequate job of that. We pride ourselves in our depth of resources. We have over 400 people on staff at Urban Engineers. We also are very rich in what we believe is personal services. Having people like myself and my boss, Paul Parker, who is former DOT engineer living here year round and we can service folks here in a more than adequate way. So, that is my pitch. I don't know how fast three minutes goes but again, this is the 14th presentation that I have made and it's simply an opportunity to educate folks that there is an alternative for engineering firm and we would like to serve the people of Chautauqua County. Thank you.

Chairman Ahlstrom: We now come to Res. No. 111-09 and I believe that Leadership agrees that we need a brief recess to discuss the issue. Any objection?

Legislator Croscut: Can we have a copy of both amendments?

Chairman Ahlstrom: Certainly. We need to make them informed. We will get copies of everything that everybody needs to be looking at.

Legislature recessed at 7:10 and reconvened at 7:50 p.m.

Chairman Ahlstrom: O.k. we are going to conduct a little bit of business as the Republican Caucus is waiting for more information. I would ask for a motion then, to take out of order and do the taxing resolution. That would be our first emergency resolution.

Legislator Croscut: I would make that motion Mr. Chairman.

Legislator Gould: Second.

Chairman Ahlstrom: Any objection?

Unanimously Carried

EMERG. RES. NO. 113-09, Accept Grant from FAA to Construct T-Hangar Taxilane

Chairman Ahlstrom: Are there any questions?

Legislator Kindberg: Is this different than the one that we had in caucus and I am just not seeing it on my desk?

Chairman Ahlstrom: Yes there is. It should be on your desk.

Legislator Kindberg: I do see it.

Chairman Ahlstrom: The resolution that we are voting on in the second WHEREAS, it has Federal 95%, State 2.5% and Local 2.5%. Everybody have the correct resolution? Any questions?

Legislator Wilder: Is the local share, has that been budgeted? Would that be in next year's budget?

Chairman Ahlstrom: Mr. Spanos is going to give us the answer to that.

Mr. Spanos: We were fortunate to receive notification this morning from FAA that they have (*inaudible*) project. We opened bids last week and so we did not have the budgeted amount in, however we believe that it would be a minimum amount that we would have to come up with. Less than \$500.00. We would have to come back to you in June with creating an account for this project.

Chairman Ahlstrom: You should be able to do this out of airport funds, I believe was the discussion Mr. Spanos.

Mr. Spanos: Correct.

Chairman Ahlstrom: Are there any other questions?

Legislator Barmore: For Mr. Spanos or Mr. Babbage, or whoever. As long as I have been going to the Airport Commission meetings, we had always been talking about a \$300,000 grant that we are receiving. I am wondering why that figure changed.

Mr. Spanos: Thank you for bringing it up. We have two projects that we did at the same time. The T-Hangers, which is \$330,000. That has already been approved by the Legislature. This is for the taxilanes around the T-Hangers. It's an additional funding that we requested.

Chairman Ahlstrom: Any other discussion?

EMERG. RES. NO. 113-09 – UNANIMOUSLY ADOPTED

Chairman Ahlstrom: We will now come to Emergency Res. No. 114.

EMERG. RES. NO. 114-09, Supporting Passage of A.8502 & S.5662 entitled "AN ACT to amend the tax law, in relation to imposition of sales and compensating use taxes in the county of Chautauqua"

Chairman Ahlstrom: The emergent nature is that we just received the bill numbers this week. Show of hands for the emergent nature of the resolution. (*Sufficient hands shown*) Any discussion?

Legislator Caflisch: Thank you Mr. Chairman. I am disappointed this evening that they resolution in front of us supporting the Assembly bill and the Senate bill does not accurately reflect, I think, what the sense of the Legislature is in support for keeping the sales tax at 7 3/4%. There is also another caveat in here that the County is going to guarantee that the cities, towns, and villages can not receive less than what they have received, in the second year. We're looking at a potential shortfall of \$3.4 million dollars as this goes forward at a time when County revenues have been substantially hit in a number of different ways. I can certainly understand the New York State budget is in shambles. The Governor has indicated there is another \$5.3 billion dollar hole in the budget and there is probably another \$47 billion dollar hole as we look forward to next year. Just because the State is not capable of handling their budgets, I think that this County has done a responsible job with the revenues that we have, the services we offer to our residents and all this will do in the end is raise property taxes. That is the only other avenue that we have to continue to deliver services. The gun to my head essentially from Assemblyman Parment, does not make this decision easy. I know that down the road, it is going to lead to higher and higher property taxes. I think that property taxes

continue to be the number one concern of this Legislature. It is with trepidation that I will support this but it is a poor way to do business and I am not pleased with the way that Assemblyman Parment has dealt with this issue.

Legislator Kindberg: I agree with Mr. Caflich in his frustration over this resolution. It was just earlier this year that we did unanimously pass a home rule request to continue our sales tax at a rate of 7.75% for the next two years and I intend to continue to support that unanimously request. So, I will not be supporting this resolution this evening.

Chairman Ahlstrom: Any other discussion? Seeing none, Clerk call the roll.

EMERG. RES. NO. 114-09 – R/C Vote: 14 Yes; 10 No; 1 Absent (No's: Babbage, Heenan, Huckno, Kindberg, Lemon, Nazzaro, Park, Runkle, Stutzman, Wilder) – **ADOPTED**

Chairman Ahlstrom: Now, we'll go back to Res. No. 111-09.

RES. NO. 111-09, Terminating Agreements with the Cities of Jamestown and Dunkirk for Joint Collection of Real Property Taxes, by Administrative Services Committee

Chairman Ahlstrom: Any discussion?

Legislator Nazzaro: Mr. Chairman, I would like to amend resolution 111-09 by substitution.

Legislator Cornell: Second.

Chairman Ahlstrom: Let's make sure that we all know what we're looking at. Everybody has it. We're back to Mr. Nazzaro as the maker of the amendment.

Legislator Nazzaro: You should all now have a chance to review the amendment and I would like to point out the second RESOLVED at the bottom. I think this is the main focus of this resolution. RESOLVED, that the Chautauqua County Legislature hereby establishes a uniform County-wide policy for collection and enforcement of real property taxes that shall provide that collection and enforcement of real property taxes for the cities and school districts within the cities shall be equivalent to the collection and enforcement of real property taxes afforded to the towns, villages, and school districts outside the cities, including the guarantee of all such taxes.

What this resolution is doing in my opinion, is putting everyone, all the taxing entities in this County on equal footing. Currently under current agreement, there is a disparity between what the State mandates to the towns and villages and what the current agreement is between the County of Chautauqua and the Cities of Jamestown and Dunkirk. By rescinding the current agreement and adopting this new one, the cities will not be sharing the losses or the gains. These two will be getting back their share of the taxes as the towns and villages do. So, I really encourage everyone to move forward, to

look at this agreement and by us approving it tonight, the next step is for the City of Jamestown and the City of Dunkirk to act on it. This would have to go back to their respective bodies, their City Councils and their Mayors to review it and they would have to pass it. So this would be effective January 1, 2010. So, I would encourage my colleagues to read it very carefully and support this resolution tonight as amended by substitution.

Legislator Croscut: This, in our eyes, fails to step up to the plate and take care of the problem. Therefore, I would propose this addition after the third RESOLVED. I would like to read it Mr. Chairman.

RESOLVED, That the uniform County-wide policy for collecting and enforcement of this shall also provide the following. These are very important and they are not addressed in this amendment. Number one; (*inaudible*) with local municipalities to obtain appropriate assessments for the tax delinquent property; number two; partnering with local municipality to obtain an update code compliance. We all agree that that is a problem. Number three; partnering with local municipalities to establish auction procedures designed to recover a fair purchase price for the tax delinquent properties and number four; partnering with local municipalities to establish a land bank entity to manage the stressed tax foreclosure property. Mr. Chairman, I offer this amendment.

Legislator Duff: Second.

Legislator Kindberg: Did we pass the first amendment?

Chairman Ahlstrom: No, we have to amend the amendment. So, now the discussion is on this amendment. What Mr. Croscut just read is now on the floor for discussion. Any discussion?

Legislator Cafilisch: On the amendment to the amended resolution, the four points that come across here are definitely points here that we have discussed and studied in the Administrative Services Committee. We know that there is a real, real lack of consistency with regards to code enforcement as well as assessing on any number of these city properties. That is what we – we need to change people's process in government here and not let ourselves be abused by municipalities who are not responsible. I think that the partnering with local municipals to establish auction procedures to recover a fair purchase price fits in with the mold that we want to see established and establishing a land bank could have the beneficial effect of having properties upgraded and we would see faster remedial work done. Investors might come in, any number of people who would be willing to take a piece of property that was pretty delinquent and add more value to it. These are the issues that we face, very serious issues that we face in the cities. It is not limited to the cities. It does extend out into the towns and villages too. But, seeing that we don't have a lot of leverage with how the State law works with the other municipalities, certainly with the cities where most of our problems occur, and the great share of our losses are occurring, these are points that would really help the whole (*inaudible*) of any agreements going forward and keep everyone on some sort of even footing.

Legislator Nazzaro: I certainly can not argue with the points that are presented here by Legislator Croscut. However, as Legislator Caflisch pointed out, the intent of the first amendment that I put out, was to have a uniformed County-wide policy. Unless I am mistaken, the towns and villages, the policy is set by New York State. I believe these provisions are not a part of that. Is that correct Mr. Abdella? Would the towns and villages have to follow, they don't have the stipulations in it?

Mr. Abdella: I think what is proposed here would not be a mandate for other local municipalities. But generally if the County wishes to attempt to partner with all of the locals on these items, certainly it could be something you could attempt.

Legislator Nazzaro: Thank you. I am not against those but I think that we're trying to blend too many issues here into one resolution. I think that we should take one step at a time and what I propose is to – the amendment that I put up by substitution clearly states that we would have a uniformed County-wide policy. In going forward the cities, villages, and towns would all be treated the same. That does not mean going forward that the County Executive, the Mayors of the City of Dunkirk and Jamestown, as well as the Town Supervisors and the Villages Mayors should not address these issues. I think that they are very important and credible issues but I just feel that we're trying to put too much into one resolution and I still recommend the amendment by substitution that I presented earlier.

Legislator Kindberg: I would like to ask for a brief recess. 8:20 p.m.

Legislature reconvened at 8:30 p.m.

Chairman Ahlstrom: We are back in session and we are on 110-09. It has been amended by substitution and at this point and time, we are on the amendment to the amendment. Is there any further discussion on that.

Legislator Stutzman: Are we forgiving the cities of their obligation on this?

Chairman Ahlstrom: No, we are not.

Legislator Stutzman: Thank you.

Chairman Ahlstrom: Any other discussion?

RES. NO. 111-09 – amendment to the substituted resolution – R/C Vote: 11 Yes; 13 No (No's: Beightol, Cornell, DeJoe, Duff, Heenan, Huckno, Keefe, Kindberg, Kleparek, Mueller, Nazzaro, Wilder, Ahlstrom) –DEFEATED

Chairman Ahlstrom: Now we are back to 111-09 as amended by substitution.

Legislator Barmore: One thing that I would like to clear up is the original amendment to the resolution does forgive the cities of all past owed money. So, I would like to make that clear.

Chairman Ahlstrom: No, I don't believe that that is a true statement.

Legislator Barmore: I am not through speaking, thank you. It's been brought up several times prior to tonight and a couple of times tonight as well, that we need a level playing field between the cities and the towns and villages. And the point that seemed to be getting missed by everybody is the fact that the vast majority of the problem tax properties are in the cities. We lose money on almost every city property that is sold at a tax sale. Minority of the properties are outside of the cities and almost all the properties bring the taxes owed on them. So even though you are calling it a level field, we're forgiving taxes owed back to the County by the city by doing this because we're already about breaking even elsewhere outside the cities. The rural areas of this County have been subsidizing the city losses for 13 years now and I find this very unacceptable. I would like to see the County Executive continue to get a resolution to this matter but just walking away from it and not getting a policy here that is going to work and do what I call leveling the playing field, and that's seeing that everybody in the city and everybody outside the cities paying their own taxes and only their own taxes. Until that time, I will not be satisfied.

Chairman Ahlstrom: Thank you Mr. Barmore, (*inaudible*) Mr. Caflisch allowing it but tough luck. There is nothing in the original resolution that says we are forgiving the cities for all of their past.

Legislator Barmore: You're talking about this original resolution.

Chairman Ahlstrom: There is nothing in there that says that we're forgiving the cities their past 13 years of obligations. If you would like to make that an amendment to this resolution, we might have a better deal tonight and I'll support you.

Legislator Barmore: I'll accept that but this one does.

Chairman Ahlstrom: No it does not.

Legislator Cornell: With all due respect to Legislator Barmore, I have great respect for him but it's not the real issue here. The real issue here is our economy here in Chautauqua County. That is the real issue. You can talk about a level playing field or an unlevel playing field but the bottom line is, is that do we want to see companies like Cliffstar Corporation, companies like Phoenix Metal, the people that work in those companies don't all reside in the cities. Many of them reside in Mr. Wilder's district, many reside in the Town of Sheridan. The question here tonight is, not about a level playing field, it's whether we want to see our economy grow. I certainly don't think that our economy will grow if some of our largest employers are told, well, it looks like you are within the city limits and so just because of that you're going to have to shoulder a 20 to

30% property tax increase. I really don't think that anyone of us want that here tonight. I am not going to speak for anybody else but I don't think that we want that. This is not anything to do with city versus rural, rural versus urban, any of that. This is about one County together and if we want to move forward as one County together, we sure as heck better not be taxing some of our largest employers in order to settle some kind of discrepancy here. That is the real issue.

Legislator Nazzaro: Obviously we've had a couple of amendments to this and I just want to clarify again, the amendment by substitution does not forgive the cities of the amount that is owed to the County. This again is to establish a uniform County-wide policy for the collection enforcement of real property taxes. What was in place from 1996 to now, however that is resolved again, is between the County Executive, the Mayors, and whatever they bring forth to their respective legislative bodies. So this is to me, we have to look going forward and that is what this does. We're going forward, we're going to have a uniform policy and all the things that Legislator Croscut mentioned, those can be addressed, those should be addressed but not as part of this.

Legislator Cafilisch: I will not be supporting the resolution this evening because I don't think that it goes far enough to change behavior. That behavior is, in my opinion, irresponsible behavior has occurred with the way that city governments have treated the County as well as, when you look back to the formation of the agreement and when the agreement reconciliation statements were first put together by Mr. Morrill, former Director of Real Property Services, he was told by the former County Executive, Mark Thomas, not to submit those bills to the cities because they couldn't pay them. When we entered into the tax collection agreement with the cities, we did them a huge, huge favor. We eliminated their Tax Collection Departments as well as they were able to eliminate reserve accounts for uncollected taxes. For that, we took on the burden of collecting taxes. When those agreements were formed, the cities at the time were behind in their tax collection efforts by as much as 5 years or more on many parcels. So that is what got us off to a rather bad start because the first auction never occurred until 99' as we had to go through a foreclosure process, to try and make it work.

As time went on and the former administration did not submit those bills, again the cities knew that there were obligations under the contracts and I even had a discussion with the former City Attorney for the City of Dunkirk, Mr. Szot, who sat in this body. Mr. Szot related to me how he had warned the City officials in Dunkirk, not to keep the assessment as high as it was on the Roblin Steel property because they were going to be in a negative cash flow position when it came time to reconcile the bill. The response he got from city officials at the time was, well, if we cut the assessment then that will effect our city tax rate and our school tax rate so we're just going to let the County go ahead and continue to guarantee. We had similar situation in the City of Jamestown with the Manor Oak facility. Even Mr. Morrill had to go to grievance to get the city to reduce the assessment on that property when it was known it wasn't worth anywhere near the \$1.2 million I believe that it was assessed for. We also have the issue that we're not assessing this evening with liens for utility bills, especially by the BPU, water, sewer in Dunkirk, bills for maintenance of property. Mr. Morrill even related to us in committee how he had been issued citations by the Jamestown Housing Authority to fix problems on properties

that the County – that we're headed to foreclosure. Again, the whole spirit of the agreement was not, I don't believe, was adhered to the way that it should have been. I don't think that it is a result of anybody's fault in this Legislature. I do condemn the way the process worked with the former Executive of this County took it upon himself to act unilaterally to abrogate the agreement. This agreement is valid under the contract laws of the constitution, Article 1, Section 10, Clause 1 and it can be enforced. I am not sure yet, whether an Article 78 proceeding to enforce maybe the past years of the agreement should not commence. It looks like the action this evening is not going to change, again, as I started out by saying, change anybody's behavior and I think that is the intent that we are looking for and it's just not getting there.

What will happen, I believe, if we don't get some fair settlement with the cities, it is going to make municipal cooperation in any kind of consolidation services which could save taxpayers some money very, very difficult. Each municipality to a municipal cooperation agreement has an ethical and legal obligation to honor their respective obligations. The failure to honor their respective obligations is a breach of contract and a breach of trust, which makes future municipal cooperation more difficult. Respective municipalities should meet together and either agree to honor the existing agreement, rewrite the agreement or terminate the existing agreement. Simply refusing to honor and respect the existing agreement should not be an option between responsible parties.

In closing again, I'm very disappointed that we're headed down a road that doesn't honor an intermunicipal agreement which is a contract and I think it plants a bad seed for any future intermunicipal agreement.

Legislator Kindberg: The charge of this legislative body is not now, and to my knowledge, has never been, to monitor or change behavior. Our charge is very clear and that is to set policy. Policy that best serves the people of Chautauqua County. This amended resolution seeks to do just that. To set sound policy that we can use as we move forward to address what has become a very obvious problem. So I would encourage my colleagues here tonight to support the amended resolution.

Legislator Runkle: Thank you Mr. Chairman. I represent two rural towns in my district and quite frankly it concerns me that the cities are simply ignoring their responsibilities under an agreed upon contract. It's simply not fair to the people living outside of the cities that they should have to shoulder all of these burdens. I am not against helping the cities because they certainly are a part of Chautauqua County. I am only asking that they honor the contracts which were signed 13 years ago. Further, this has nothing to do with the cities versus the rural areas. It has to do with honoring a contract. Plain and simple. In closing, I would like to say if this passes, every rural taxpayer in this County will be taking a royal hosing.

Chairman Ahlstrom: Mrs. Kindberg, if you would come and take the Chair please.

Legislator Kindberg: Is there an existing list?

Chairman Ahlstrom: No.

Legislator Kindberg: Mr. Ahlstrom.

Chairman Ahlstrom: (Speaking from the floor). I believe that I have heard two Legislators tonight say that this is not a city rural issue, but then we get the butts how, I believe, it was just eloquently put, how every rural community will be taking a hosing on this issue. I have a number of taxpayers in my legislative district and certainly in my community that think they take a hosing from Chautauqua County every single day. Because they send almost \$5 million dollars in property tax here and what do they get for that money? They send in hundreds of thousands of dollars in bed tax money and they received \$10,000 of it back and we had to come here and literally beg and plead to get that. I thought that our job was to represent the taxpayers of Chautauqua County and that we treated all taxpayers fairly. The (*inaudible*) comments tonight that anybody is advocating eliminating the agreement and forgetting about what is owed are irresponsible on the Legislators that have said that because it is not in the resolution, it's not anybody's intention and the County Executive still has the authority to go back and to come to an agreement. There is a disagreement on the numbers. The County says that they are right and in this case for the most part, the City of Jamestown says that they are right. I don't think that the City of Dunkirk, in actuality has a big concern over working on an agreement. But it is irresponsible for Legislators to say that we are not doing our duty because we're not telling the County Executive to forget about what has happened in the past. What we are setting here tonight by this resolution, is a policy that treats everybody the same. Legislator Heenan about a half hour ago said, maybe one of the solutions to building a consensus I guess, on this, is let's treat the cities, let's forget about the towns. If it's the towns that is the issue, let's forget the towns. Let's treat the cities the same as the villages that in 1989, the Legislature passed a resolution that they didn't have to pass, (*inaudible*) to guarantee the taxes in the villages. Let's find a way to treat everybody the same. That is all any Legislator, whether they are in a city, town, village or any place in Chautauqua County. We're missing the big point here tonight. I think that Mr. Cornell hit it on the head. In most areas of the country they laughed at 130,000 - we're a county that has two cities of 25 and 13,000. When I tell people from out of town that I am from the City of Dunkirk and there is 13,000 people there, they have more people in their housing development than we have in our city. You know, we're a rural community. We all come from different points to get here. None of us drive through what we call a metropolitan area, not matter if you are starting in Dunkirk, Jamestown, Findley Lake, or Falconer. We are a rural community. There isn't a difference between us. Yes, there has been mistakes made in the past but those mistakes have been made in cities, they have been made in towns, they have been made in villages. This is an issue, as far as the properties, that is going to expand and is going to expand if we don't do something or if we do something and take a negative - if we do something that negatively effects our cities, it's only a matter of time before that spreads out into the towns that are first around those cities and then spreads out to the towns that are around those towns. So, I don't think that this is an unrealistic approach here. What we have done here with this resolution, what we're asking to be done is let's set the future. We're going to treat everybody the same. We have legislation in 1989 setting the villages, we have State legislation that sets the towns, and now our cities are on the same playing field.

County Executive, go back and talk with the cities and come to an agreement about what we can do on the back taxes. Work it out. I have faith in the County Executive and our two mayors that that can be done. But let's take care of the future. That is what we're talking about tonight. Let's set the future. Let's set a positive future, not a negative future because it is all in our best interest no matter where we reside. Thank you.

Mrs. Kindberg: Is there anyone else to speak to the resolution as amended? Seeing none, I think we should have a roll call.

RES. NO. 111-09 –substituted – R/C Vote: 15 Yes; 9 No (No's: Babbage, Barmore, Caflisch, Croscut, Gould, Lemon Park, Richmond, Runkle – **ADOPTED**

MOTION:

A. Support Spending of Federal Economic Renewal Grants to Chautauqua County

Mrs. Kindberg: Anyone to speak to the Motion?

Legislator DeJoe: I would like to have my name added as sponsoring the Motion.

Legislator Wilder: I would as well.

Legislator Keefe: I just want to say the purpose of the Motion is, at all times when spending Federal stimulus money that it is used on American made products where at all possible.

Legislator Kindberg: Anyone else to speak to the Motion? Seeing none, all those in favor?

MOTION A. – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Legislator Hallquist: I would like to tell everyone that it has been my pleasure working with you and I will not be seeking re-election. Thank you.

Legislator Kindberg: Anyone else?

Legislator Lemon: I would like to find out from anybody up in that area, is not the Moving Wall going to be up in Brocton this coming month before we meet again?

Legislator DeJoe: No, it's September 5th.

Legislator Lemon: But there are fund raisers going on to help this?

Legislator DeJoe: Yes.

Legislator Lemon: If we could, if we could find some way to support that, I would highly encourage it.

Legislator DeJoe: They are in need of volunteers. You can call the American Legion Post or your local Legion Post and they can get you in there because it will be 24/7 operations and they are seeking volunteers to work.

Legislator Kindberg: Are there any other announcements? Seeing none –

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Ahlstrom, SECONDED by Legislator DeJoe and duly carried the meeting was adjourned. 8:50 p.m.

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Regular Legislative Meeting
Wednesday, April 22, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

Legislator Mueller delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator DeJoe, SECONDED by Legislator Gould and duly carried, the minutes were approved. (03/25/09).

1st Privilege of the Floor

Mr. Dave Travis: 8691 Bear Lake Road, Brocton, N.Y. I am here representing the Brocton American Legion Post #434. I am the Chairman of The Moving Wall committee. I have tonight handing out some cards regarding The Moving Wall, I have my Vice Chair's, Henry Lincoln and Dave Hazelton. We have requested this evening a special allocation from the 2009 Occupancy Tax to go through the expense of bringing The Moving Wall to Brocton. It's been over 12 years since The Moving Wall has been in Chautauqua County. It was last in Mayville in 1996. We anticipate over 20,000 visitors directly as a result of The Moving Wall being here on display. We have many volunteers that are actively working towards bringing The Wall here throughout Chautauqua County. It's not just a Brocton project, it's an entire Countywide project and very happy with the response that we have received. It is a very expensive proposition to present it properly, respectfully and with the dignity that it deserves. In doing such, we are asking the County Legislature for assistance with the occupancy tax. Thank you.

Chairman Ahlstrom: Anyone else to speak to the first privilege of the floor? Seeing no one, we'll close the first privilege of the floor.

COMMUNICATIONS:

- 1. Letters (2) – Co. Exec. – Apptmts. To Conewango Watershed & Fish & Wildlife Management Board**
 - 2. Letter – Fn. Director – Schulz to NYS Depart. of Health – Re: Medicaid Upper Payment Limit**
 - 3. Minutes (2)– Youth Board – March & April-2009**
 - 4. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 2-09**
 - 5. Letter – Gov. Paterson – Re: Ack. Receipt of Motion 6-09**
 - 6. Letter – Assemblyman Parment – Re: Ack. Receipt of Motion 6-09**
 - 7. Letter –Assemblyman Giglio – Re: Ack. Receipt of Motion 6-09**
 - 8. Report – Fn. Dir. Schulz – March 2009 Investment Results**
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**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 3/25/09**

TABLED RES. 68-09 – Authorize Agreement w/ Small Business Development Center at Jamestown Community College

Legislator Kindberg: Move to the floor.

Legislator Croscut: Second.

Unanimously Carried

Chairman Ahlstrom: On the resolution, any discussion?

RES. NO. 68-09 - UNANIMOUSLY ADOPTED

TABLED RES. 69-09 – Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

Legislator Kindberg: Move to the floor.

Legislator Croscut: Second.

Unanimously Carried

Chairman Ahlstrom: On the resolution, any discussion?

RES. NO. 69-09 - UNANIMOUSLY ADOPTED

LOCAL LAWS:

LOCAL LAW INTRO. 2-09 – Elimination of Health Insurance Benefits for Chautauqua County Legislators

Legislator Croscut: I am very proud to bring this Local Law forward. I am so very proud to say that it has support of the majority of the Republican Legislators and look forward to its passage. I think that it brings an end to many, many discussions that we have had. I think that it's time that we address it and appreciate your support. Thank you.

Chairman Ahlstrom: Any other discussion?

LOCAL LAW INTRO. 2-09 – (R/C Vote: 21 Yes; 4 No) No's: Beightol, Caflisch, Huckno, Keefe - ADOPTED

LOCAL LAW INTRO. 3-09 – A Local Law Amending the Chautauqua County Charter – Term of Office for County Legislators

Chairman Ahlstrom: Any discussion?

LOCAL LAW INTRO. 3-09 – (R/C Vote: 15 Yes; 10 No) – No's: Babbage, Barmore, Caflisch, Croscut, Duff, Gould, Hallquist, Huckno, Nazzaro, Park - **DEFEATED**

LOCAL LAW INTRO. 4-09 – A Local Law Amending the Chautauqua County Charter – Re: Size of County Legislature

Chairman Ahlstrom: Any discussion?

Legislator Richmond: I will not be supporting this motion this evening. It is my observation from recent communications especially from the Jamestown newspaper within the last week, under the question of the day, that it clearly identified that 95% of those answering the question, that there should be more citizens involved in our matters of government rather than fewer. Another item that brings to my attention as well is that when we look at the number of Legislators versus constituents within this County, Chautauqua County at this time of 139,750 citizens identifies that 25 Legislators are serving 5,590 citizens each. Cattaraugus County has a population of 83,955 citizens with 21 Legislators with each Legislator serving 3,998 citizens. Allegheny County has 15 Legislators with a population of 49,750. That identifies 3,317 constituents per Legislators. Looking at these references with the southwestern state of New York, it identifies to me that we are really not out of balance with the number of Legislators that we have at this time. It is also my observation that we will not make any changes by law until after the 2010 census which identifies those figures that probably not be in front of us until late 2011. It is my feeling that this is the wrong body to make the decision of the number of Legislators that shall sit. That should be so identified at this following election for those sitting in 2010 and so on.

Legislator Lemon: After the reduction in the size of the Legislature, I believe that now is not the time to decide this until we come up with the proper census numbers. What I believe we are doing is getting the cart before the horse. It would be far more beneficial to the residents of this County to base any redistricting on actual numbers rather than to try and roll the dice and hope that we get it right. With the makeup of our County, I believe the fairest way to treat people would be to make sure that we have those numbers. I believe that there is time to be proactive and a time to be patient so that we make the right decision. At this time, I think that we need to be patient to be sure that we take the right steps should a reduction in the Legislature actually be the right choice to make. Finally, my opinion has been that the size of the Legislature has never been the main concern or complaint of our County residents. The cost has always been the issue. I do not personally feel that taking representation away from people does anything to help out the representative process. We have taken steps already tonight to cut the cost in this Legislature. I think that it would not be good for our County to reduce the size of this body with its current makeup and diverse regional structure. The representation that we

currently have, gives each segment of our County the loudest and fairest voice that they each deserve. This includes both the cities and rural areas. I will not be supporting the reduction of the Legislature at this time.

Legislator Runkle: I am new at this and I have one question and a very simple question. How was the number 15 arrived at?

Chairman Ahlstrom: As the person that asked for this to be drawn up, that is what I asked for. If you would like my rationale on it, without debate Mr. Caflisch, was that the number that this equates to is a representation of about 8,500 residents. Which I personally and it's my own personal feeling, felt that it was a manageable number.

Legislator Runkle: Do we have any maps, or graphs, or charts to support any of this?

Chairman Ahlstrom: And we would not have that until the reapportionment process. All of that would be exactly what Mr. Lemon said would come back for approval of the Legislature.

Legislator Runkle: Thank you.

Chairman Ahlstrom: You're welcome. Any other questions on 4-09?

Legislator Mueller: I think that it is something that we need to do. I am also glad to see that we did eliminate the health insurance which is something that we've tried to propose many months ago and was rejected multiple times and it finally went through. But, we just save about \$160,000. If we did this, we would save another \$100,000 a year in salaries savings for the Legislature. If you include benefits, it would be a little bit more. The reason why I think that it is so important that we reduce the size of the Legislature, it sends a strong message for consolidation and regionalization. We have 18 school districts, we have 39 mayors, town supervisors with another four representatives and then 25 here. If you look at the County of Erie, I know that they have significantly less than 25 representatives. I think that we'll be more efficiently – another reason I think the races will be more competitive, you'll actually have better representation and more competitive races. One year, not too long ago, there were 9 of the 25 seats that had no one running against them. So, I think this sends a strong message to the people of Chautauqua County that we are serious about regionalization, consolidation, and making government run more efficiently. I do believe that people will still have a voice so I am supportive of it. Whether the number 15 is perfect, I don't know. I am willing to compromise with 17 or something like that. We can save a significant amount of money here and set a strong message to the rest of the local governments in Chautauqua County.

Legislator Duff: Mr. Chairman, I believe that it was in the first year of my first term, this was highly and heatedly discussed, the number 15, at a committee meeting, at a Public Safety Committee meeting. This isn't something that was just thought up out of the air. This is something that I had researched before with former Legislators and people

who had been through redistricting. What I want to say is, I think that Mr. Ahlstrom can remember the discussion that we had that was quite hot and quite hard and it would be in those records of those minutes going back.

Legislator Stutzman: If you can refresh me on it, did the committee that we had in place that discussed health care etc., did they come up with a recommendation regarding this?

Chairman Ahlstrom: Yes.

Legislator Stutzman: What was the number again?

Chairman Ahlstrom: No more than seventeen.

Legislator Stutzman: At that time the population was far greater than what it is now.

Chairman Ahlstrom: This would be the last committee that was just within the last year and they said more than 17 which 15 is no more than 17. I was told earlier.

Legislator Kindberg: I would like to ask for a two and a half minute recess.

Chairman Ahlstrom: Any objection? O.k., we're recessed.

Legislature recessed at 6:45 p.m., and reconvened at 6:46 p.m.

Chairman Ahlstrom: O.k. back in session. We have discussion on Local Law Intro. 4-09.

Legislator Huckno: Yes, I just wanted to clarify. Listening to Dr. Mueller regarding the significance savings. With the insurance and the lowering the Legislature, that significant savings is four cents on the tax rate.

Chairman Ahlstrom: Anyone else on 4-09? I would just like to say in defense of the Post Journal. I believe leaning on a poll on the size of the Legislature, there were over 80% that were in favor of a reduction. There were mentioned in another reference. Any other discussion?

Legislator Mueller: I would just like to say something Mr. Chairman. Two hundred and fifty thousand dollars, are we not suppose to be concerned about that as Legislators? I think that would fund a lot of lake projects this year that we're unable to fund.

Legislator Duff: In regards to the Legislator that just made that comment. I think four or five million dollars was given out to JCC last year, at the last meeting, I imagine. I think that is an awful lot of money to be pushed out there. I know myself, sitting here as

a Legislator, I supported this tonight because I am sick and tired of whining by the cry babies that do absolutely nothing in this room. I have been on this Legislature for five years and over those five years, with me as a driver, I have brought \$13.5 million dollars into this County for development. If you think that I feel good tonight, that I worked my tail off to get that money here, you are wrong. This is a very infamous night. I think of my Dad and my Grandfather. Tonight folks, you people here killed the man, but you didn't kill your damn mule. It is the most disrespectful thing I have ever seen. Now that this is over in this sitting, let's get back to being Legislators again. Get off your lazy behinds, get out there and do the work.

Chairman Ahlstrom: Any other questions on 4-09?

Legislator Nazzaro: Not a question, just a comment. If this local law passes tonight, I feel that it would be imperative that at a later time that another local law be presented stating that it would require 2/3rds of this Legislative body to approve the plans of apportionment of the County Legislature lines after the 2010 census. Because I feel that it is very important that any political implications is removed from this process and that the lines be drawn as fairly as possible and I believe by having a 2/3rds majority of the Legislature would make that so. I will be supporting this, this evening.

Chairman Ahlstrom: Any other questions on 4-09?

LOCAL LAW INTRO. 4-09 – (R/C Vote: 11 Yes; 14 No) - No's: Babbage, Barmore, Beightol, Caflisch, Croscut, Duff, Gould, Huckno, Lemon, Park, Richmond, Runkle, Wilder – **DEFEATED**

Legislator Duff: I would like to change my vote to yes.

New R/C Vote: 12 Yes; 13 No

LOCAL LAW INTRO. 5-09 – **A Local Law Amending the Chautauqua County Charter – Re: Term Limits for County Legislators**

Chairman Ahlstrom: Any discussion?

Legislator Barmore: As I look around the room here this evening, I see 16 Legislators that have been here less than 6 years. I think the people of Chautauqua County speak when they want a change made, they have the ability every two years which is why I was not in favor of the term limit extension this evening. I feel the people of Chautauqua County should have the opportunity every two years to change their Legislature if they like and they have. They changed 16 Legislators in the last five plus years. There is no need for term limits. It's good to have a few old timers around. Us new guys can look to them for guidance and advice. If it wasn't for a few other gentleman that have been here 10 years or more, such as yourself, I wouldn't know nearly as much as I know now because I wouldn't have them to fall back onto. So, I am definitely against the term limit legislation.

Legislator Lemon: Again, I would like to read my statement so that I say it exactly the way I believe. I would like to begin first of all, thank you Mr. Chairman. I would like to begin by saying that my decision not to support term limits is to be consistent with how I feel about the freedom of people to decide what is right for themselves in regards to their elected officials. My proof in that is that last year I supported by colleague Mr. DeJoe during his effort to serve as an elected official on both the school board and in this honorable body. I stated then as I believe now, that I believe that it would be unfair to the people of his district to not allow him to serve on both if they felt that he was capable of doing both jobs effectively for them. With that being said, I believe that we need to let the people of each individual district decide who they want for their representation at all times. In my humble opinion, we would be doing them a disservice to tell them that the person of their choice can not serve them because he or she has had their run for 12 consecutive years. They, the people of that district, and they alone, should have the final say in that matter and I oppose taking that choice away from them. In that sense, you could say that I am prochoice for once. I asked my colleagues to stand up for the freedom for the people to choose at all times who they would like as their elected representatives. If they do not serve the people of their district well, I believe the people are smart enough to have their voices heard loud and clear in the election process.

Chairman Ahlstrom: Anyone else on 5-09?

Legislator Wilder: I would just add that I see term limits particularly as it is applied in this local law proposal as an affront to the rights of voters to decide. I would have to concur with Legislator Barmore and Legislator Lemon that voters of this County are more than capable of exercising term limits for us at their discretion.

Chairman Ahlstrom: Anyone else on 5-09?

LOCAL LAW INTRO. 5-09 (R/C Vote: 9 Yes; 16 No) - No's: Babbage, Barmore, Beightol, Caflisch, Croscut, DeJoe, Gould, Hallquist, Huckno, Keefe, Lemon, Nazzaro, Park, Richmond, Runkle, Wilder - **DEFEATED**

RES. NO. 79-09, Confirm Appointment - Chautauqua County Fish & Wildlife Management Board, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 80-09, Confirm Re-Appointment – Conewango Watershed Commission, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 81-09, Establishing "Summer Hours" for County Employees, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 82-09, Amend Rules & Regulations of the Chautauqua County Legislature, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 83-09, CARTS Capital Assistance Grant for American Recovery and Reinvestment Act of 2009, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 84-09, Accept Federal Grant Money for Methane Gas Utilization Project, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 85-09, Authorizing Acquisition of "UJC Hangar" at the Jamestown Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 86-09, Accept Grant from FAA to Reconstruct Runway 6-24 at Dunkirk Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 87-09, Modify JCC Tuition Assistance Program for Volunteer Fire Fighters, by Public Safety Committee

Legislator Kindberg: I just want to state what an important program I think that this is and I am pleased that we are making these changes tonight. I hope that it will encourage more people to take advantage of the program.

Legislator Wilder: I just want to say that this is an incentive program to add volunteers to our fire companies around the County.

Chairman Ahlstrom: Any other discussion?

RES. NO. 87-09 – UNANIMOUSLY ADOPTED

RES. NO. 88-09, Authorize Grant Agreement w/ NYS Division of Criminal Justice Services for Local Law Enforcement Technology, by Public Safety and Audit & Control Committees

Legislator Kindberg: I would like to amend 88-09 to include the numbers that I believe were placed on everyone's desks.

Chairman Ahlstrom: Does everybody have the amendment?

Legislator Croscut: Second.

Chairman Ahlstrom: On the amendment, any questions?

RES. NO. 88-09, amendment – UNANIMOUSLY CARRIED

Chairman Ahlstrom: On the resolution as amended, any discussion?

RES. NO. 88-09, as amended – UNANIMOUSLY ADOPTED

RES. NO. 89-09, Increase Escrow Account w/ NYS Division of Criminal Justice Services for Live Scan Fingerprints, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 90-09, 2008 Hazardous Materials Grant Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 91-09, Environmental Assessment for Agricultural District #12 in the Towns of Carroll, Kiantone, and Busti, by Legislators Heenan and Kindberg – **UNANIMOUSLY ADOPTED**

RES. NO. 92-09, Determination of Chautauqua County Legislature on the 8-Year Review and Proposed Modifications of Chautauqua County Agricultural District #12 in the Towns of Carroll, Kiantone, and Busti – **UNANIMOUSLY ADOPTED**

RES. NO. 93-09, Additional 2009 Occupancy Tax Allocation, by Audit & Control Committee

Legislator Stutzman: I have been really consistent with my view points on the allocation of occupancy tax. We established a criteria and this year we have seen things come back for the Dunkirk Harbor, the event that is going on in Jamestown Schools I believe, up at the track at Jefferson, we've had so many things come back at us where they have requested money and I have been very consistent. I remember at a point and time where Mrs. Kindberg said, you know that there are different things where there are variables where sometimes we have to look at things face value and I will be quite honest, this is one of those times. I am really thankful for the freedoms that I have and for that reason, I am going to support this one.

Legislator Runkle: I just want to make a comment about this. I think Vietnam Veterans deserve this and think that it is the right thing to do.

Legislator Kindberg: I did want to point out that as we move forward with future allocations, we have discussed appropriating certain amount of this money for situations that arise such as this when there are worthy projects that come to our attention that do not fall within the time line. We will be setting aside money so we can consider them.

Legislator Stutzman: Whoever has worked together with you to do that, I think that is incredible. That is the way that it should be done rather than plucking away here and there and trying to direct money toward different things. We'll have something established for it so I commend those working on this.

Chairman Ahlstrom: Any other discussion?

RES. NO. 93-09, UNANIMOUSLY ADOPTED

RES. NO. 94-09, Awarding and Approval of Funding of Projects for 2009 2% Occupancy Tax Projects, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 95-09, Establish Petty Cash Account – Mental Hygiene Tapestry Program, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 96-09, Establish the Francis G. "Mac" McCoy Office for the Aging Memorial Fund, by Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 97-09, Supporting Passage of A.7230 & S.3300 – 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, by Audit & Control Committee – (R/C Vote: 25 Yes) – **UNANIMOUSLY ADOPTED**

Chairman Ahlstrom: The motion has insufficient signatures.

ANNOUNCEMENTS:

Legislator Cafilisch: I just want to remind everyone on their desks this evening, there is a resolution that is titled "Terminating Agreements with the Cities of Jamestown and Dunkirk for Joint Collection of Real Property Taxes". This resolution will be prefiled and it will go to the Administrative Services Committee for debate and full vote of the Legislature next month.

Legislator Stutzman: I don't know if it's appropriate or not but I want to thank those that supported the local laws. We're in an election year and I will admit, I am incredibly naïve when it comes to understanding the way people vote and the reasons for it. We've had really a lot of people dig in this year regarding these issues and some are personal, I am sure, some are derived for reasons I don't know, but I do have to admit that I am glad for the direction that it went and I want to thank those that made the adjustment in their votes and have looked at this in a different light. For whatever reason that may be. So again, I thank those that voted for these local laws tonight.

Legislator Duff: In regards to the request from the American Legion in Brocton, concerning the Wall, I have a person in my squad that is on that Wall and (*inaudible*) and he won the Congressional Medal of Honor, posthumously. I certainly hope that there is some way that we can get the proper funding for that young man who isn't here tonight. If we can do it through one avenue or another. I think that is not money wasted.

Chairman Ahlstrom: Any other announcements? Seeing none, we come to the 2nd privilege of the floor. Members of the public may address the Legislature on anything that they would like to. Is there anyone from the public that would like to address the Legislature? Seeing none, Mr. Croscut.

Legislator Kindberg: Motion to adjourn.

Legislator Croscut: Thank you Mr. Chairman. I appreciate –

Chairman Ahlstrom: There is a motion to adjourn. Is there a second?

Legislator DeJoe: Second.

Chairman Ahlstrom: All those in favor?

Legislator Caflisch: Roll call vote.

Legislator Croscut: Roll call vote, I would like to make a comment.

Chairman Ahlstrom: We'll have a roll call vote on the motion to adjourn.

(R/C Vote: 14 Yes; 11 No)- No's: Babbage, Barmore, Caflisch, Croscut, Duff, Gould, Hallquist, Lemon, Park, Richmond, Runkle – **ADJOURN**

Meeting adjourned at 7:14 p.m.

Respectfully submitted and transcribed,

Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Minutes will not be verbatim as we were having technical difficulty

Regular Legislative Meeting
Wednesday, March 25, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

Legislator Lemon delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Gould, SECONDED by Legislator Caflisch and duly carried, the minutes were approved. (02/25/09).

1st Privilege of the Floor

No one chose to speak at this time.

6:35 P.M.

PUBLIC HEARING

Resolution of the Chaut. County Legislature Issuing a Negative Declaration w/ Respect to Approving Disposition of Certain Realty in the City of Dunkirk and Approving the Formation of a Local Development Corporation Under Section 1411 of New York Not-For-Profit Corporation Law to Hold Title to Said Realty

Chairman Ahlstrom opened the public hearing at 6:35 p.m. No one chose to speak to the public hearing. Chairman Ahlstrom closed the public hearing.

COMMUNICATIONS:

1. **Proof of Publication – Re: Public Hearing – Realty in City of Dunkirk**
2. **Letters (6) – County Exec. – Re: Appts: Airport Commission, Fire Advisory, Planning Bd., STW RR Authority, Traffic Safety Bd., Sports Fishery Bd.**
3. **Letter – County Exec. – Re: Appt. –Director/Planning & Econ. Development**
4. **Minutes – Chaut. Co. Soil & Water Conservation District**
5. **Minutes – STW Reg. Planning & Development Bd. – Feb. 09**
6. **Report – Fn. Dir. D. Schulz – Re: January 2009 Investment Results**
7. **Quarterly Report – Re: Small Business Developmt. Center (10/1/08-12/31/08)**
8. **Letter – Orrick – Re: Ack. Receipt of documents regarding Res. No. 29-09**

9. **Letter – Assemblyman Tedisco: Ack. Receipt of Motion's: 4 & 5-09**
10. **Letters (2) – Assemblyman Giglio: Ack. Receipt of Motion's: 2, 3, 4, & 5-09 and Res. No. 30 & 31-09**
11. **Letter – Senate Maj. Leader Canestrari – Ack. Receipt of Motion's 4 & 5-09**
12. **Letter – Dept. of State – Re: Ack. Receipt of Local Law 1-09**

**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 02/25/09**

ACTION ON:

**LOCAL LAW INTRO. 1-09 – A LOCAL LAW ABOLISHING TERM LIMITS FOR THE
COMMUNITY SERVICES BOARD OF CHAUTAUQUA COUNTY**

Chairman Ahlstrom: Any discussion? Seeing none, roll call please.

LOCAL LAW INTO. 1-09 – R/C Vote: 25 Yes – UNANIMOUSLY ADOPTED

RES. NO. 50-09, Confirm Appointment - Chautauqua County Planning Board, by Planning & Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 51-09, Confirm Appointment & Re-Appointment – Chautauqua, Cattaraugus, Allegany & Steuben Southern Tier Extension Railroad Authority, by Planning & Economic Development Committee – UNANIMOUSLY ADOPTED

RES. NO. 52-09, Confirm Appointment - Chautauqua County Agriculture & Farmland Protection Board, by Planning & Economic Development – UNANIMOUSLY ADOPTED

RES. NO. 53-09, Confirm Re-Appointments – Parks Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 54-09, Confirm Appointments & Re-Appointments – Sports Fishery Advisory Board, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 55-09, Confirm Appointment - Chautauqua County Airport Commission, by Public Facilities Committee – UNANIMOUSLY ADOPTED

RES. NO. 56-09, Confirm Re-Appointments - Chautauqua County Community Services Board, by Human Services Committee – UNANIMOUSLY ADOPTED

RES. NO. 57-09, Confirm Appointments & Re-Appointments - Chautauqua County Fire Advisory Board, by Legislator Huckno – **UNANIMOUSLY ADOPTED**

RES. NO. 58-09, Confirm Appointment – Traffic Safety Board, by Legislator Huckno – **UNANIMOUSLY ADOPTED**

RES. NO. 59-09, Designate Chautauqua County Legislature as Lead Agency Under SEQRA for the Review of Chautauqua County Agricultural District #12, Towns of Carroll, Kiantone, and Busti, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 60-09, Consolidation and Modification of Various County Agricultural Districts, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 61-09, Authorizing Transfer of Realty in City of Dunkirk, by Planning & Economic Development and Audit & Control Committees

RES. NO. 61-09 – R/C Vote: 25 Yes – **UNANIMOUSLY ADOPTED**

RES. NO. 62-09, Authorize Agreement with Jamestown Community College for Job Training, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 63-09, Authorize Agreement with Jamestown Community College/Chautauqua Leadership Network for Job Training, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 64-09, Authorize CCVB to Apply for Matching Funds for NYS Division of Tourism, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 65-09, Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion for the Current Fiscal Year, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 66-09, Authorize Lease Agreement for Department of Planning at the Riverside Industrial Center, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 67-09, Authorize Sub-Lease Agreement for Department of Economic Development

and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 68-09, Authorize Agreement with Small Business Development Center at Jamestown Community College, by Planning & Economic Development and Audit & Control Committees

Legislator Kindberg: There were a number of questions that arose during our discussions of this in caucus and for the sake of providing more time for discussion, I would like to TABLE this resolution.

Legislator James **SECONDED** the motion.

RES. NO. 68-09 – Carried w/ Legislators Caflisch and Richmond voting "no" – **TABLED**

RES. NO. 69-09, Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program, by Planning & Economic Development and Audit & Control Committees

Legislator Kindberg: Yes for the same reasons, I would like to MOVE to TABLE the resolution.

Legislator James **SECONDED** the motion.

RES. NO. 69-09, Carried w/ Legislators Caflisch and Richmond voting "no" – **TABLED**

RES. NO. 70-09, Authorize Agreement with Erie 2-Chautauqua-Cattaraugus BOCES For Job Training, by Planning & Economic Development and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 71-09, Recognition of Earth Day, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 72-09, Board of Elections Proposal for Compensation of Election Inspectors and Poll Site Facilitators, by Administrative Services and Audit & Control Committees

RES. NO. 72-09, R/C Vote: R/C 25 Yes – **UNANIMOUSLY ADOPTED**

RES. NO. 73-09, Authorize Agreement with Village of Celoron for Demolition of Residential Home on Tax Delinquent Parcel, by Administrative Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 74-09, Increase Budget Accounts for HUD Lead Hazard Control Grant, by Human

Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 75-09, Increase Budget Accounts for Primary Prevention Pilot Project (Childhood Lead Poisoning), by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 76-09, Authorize Agreement with the Town of French Creek to Provide Court Officer Services, by Audit & Control Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 77-09, County Home Inter-Governmental Transfer 2009 Budget Adjustment,

Legislator Kindberg: It has come to my attention that the account number is incorrect and hope that we can treat it as a typo It should read: A.6120.R448.9000 – IGT, under the heading of Increase Revenue Account.

Legislator Nazzaro stated that this issue with the IGT has nothing to do with the review that is ongoing with the County Home and this is part of the stimulus plan.

Legislator Mueller: roughly \$6 million dollars we're going to get in 2009 and we're going to give them back \$1.2 million dollars so we can get another \$2.4 million dollars. It sounds kind of fishy. I mean, if you look at what has been going on, just looking at all the different chaos in the financial markets and I know that health care is a mess and it really needs to be simplified but, I don't know. This is a major policy decision for this body. We've had very little time to discuss how we're going to spend the stimulus money and we're going to take in \$6 million from the Federal government, we're going to give them back \$1.2 to get another \$2.4 roughly. We still have time to do this. In March of 2010, we have the new budget. Yes, is it a 100% that we are going to get, the money. I am confident that the law that was passed will continue another year, but I can't guarantee you that. But, it does – I don't know. We get \$6 million in, give them \$1.2 to get another \$2.4. There is just something about it.

Legislator Kindberg: I just really want to echo some of the points that Dr. Mueller has already made. I too want to focus on the fact that this resolution tonight represents significant policy and in the years that I have sat in these Chambers as a Legislators, there have really been a few times where we have enacted significant policy despite the fact that it is our role here as a Legislative body. I think that it is unfortunate that we have been asked to do that so quickly and I can certainly appreciate the time constraints that we're working with are certainly – we have no control over those. Perhaps when we are gifted money as we seem to be with this stimulus package, we shouldn't be to critical of the strings attached. Again, when it is so infrequent that we get to enact significant policy, I just wished that we had more time to look at perhaps other ways that we could be using this stimulus money. Not to suggest that this isn't a proper use of it but it's

the only option that we have explored at this point. I am still undecided at this point as to whether I will support this or not. Again, I would just like to reemphasize the fact that this resolution, significant policy tonight and how we're paying for Medicaid and our approach to health care in that this is the only option for expending at least this portion of the stimulus money that we have been presented so far.

Legislator Lemon: I'd like to commend our Finance Director for having the foresight to see this. The number I was given was that, we could end up saving or earning an additional \$440,000 over this and it's certainly appears and I asked him in committee if this was ethical. This to me is the most important thing to do when we set policy and he assured me that it is ethical what he is doing. I think for the people of this County and for the future of the County Home, this is a wise – it certainly looks like a wise decision to make. I will be supporting this and again, I would like to commend the Finance Director of diligently studying this to find this.

RES. NO. 77-09 – ADOPTED w/ Legislator Mueller voting "no"

RES. NO. 78-09, Quit Claim Deeds, by Administrative Services Committee

Legislator Kindberg: I would like to offer an amendment to this resolution. Therefore I MOVE that we amend by substitution.

Legislator Croscut **SECONDED**.

UNANIMOUSLY CARRIED

RES. NO. 78-09, amendment – UNANIMOUSLY CARRIED

RES. NO. 79-09 – as amended R/C Vote: 25 Yes – UNANIMOUSLY ADOPTED

MOTION:

A. A Motion Supporting New York State Assembly Bill #A6051 to Amend the Vehicle and Traffic Law in Relation to the Operation of an Emergency Vehicle without a Commercial License – **UNANIMOUSLY ADOPTED**

ANNOUNCEMENTS:

Legislator Keefe: I would like to thank Fred and Shelly Croscut for bringing Spring into us. Thank you very much. I will toast you with pancakes on Sunday.

Legislator Duff: I could be out of line here by doing this but, I would like to say that I look to support our local wineries in regards to the attempted change to the law concerning wine being sold in local stores. My district has five wineries. They have spent over \$7 million dollars to build these home wineries and this money is going to end up in the hands of our Wal-Mart's and larger stores where the money will never come back to Chautauqua County. Why the State brought this in, I have no idea because there is going to be no loss in sales tax because the State is going to get the sales tax. We don't get the sales tax because it is sold here. But, you have to look upon the local people that have gone out on their own, spent their monies to have fine businesses that bring in a lot of tourism and now it is going to be turned over to the Wegman's and the Wal-Mart's. I look for some support to keep home rule on this.

Legislator Croscut: In response to that, I am a proud member of Chautauqua County Farm Bureau and as a member of Chautauqua County Farm Bureau, it's a very much a grass roots organization. We had our County meeting, the resolutions are put together and they are forwarded onto the State at which time they are voted on. This, to date, with the wine sales in grocery stores is at the forefront of the debate of the New York State Farm Bureau. I urge everyone to support the sale of wine in grocery stores because of the reason growers are anticipating very low price of these agricultural products to increase their sales. That is what is behind the sale of wine in grocery stores. Farm Bureau very much supports it, we're hoping to get the support at the State level from our Assembly people and our Senate people. So don't be mislead by the fact that it will decrease and hurt wineries. Some of the wineries in this County are in favor of this. I will agree with Mr. Duff, some aren't. But this issue is being backed by your local neighbors, the growers of grapes in this County. I am supporting this, every Farm Bureau member in Chautauqua County, as far as I know, is also supporting this.

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Cornell and duly carried, the meeting was adjourned. (7:00 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Regular Legislative Meeting
Wednesday, February 25, 2009
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present.

Legislator Kleparek delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Caflisch, SECONDED by Legislator Wilder and duly carried, the minutes were approved. (02/04/09).

1st Privilege of the Floor

Robert Berke, I live at 28 South Gale Street, Westfield, N.Y. I am here tonight to talk about health care in the country. This week, as we all know, the President and this Budget Director noted that the crisis we are facing in the economic situation has as a major driver to problems that we have in health care that we face for number of years or have not faced for a number of years. I am originally from Canada. I worked in the Canadian system for 7 years as a practicing physician. I was actually in the emergency room on call the day the system went into effect. First of all, just a brief show of hands. How many of you consider yourselves fiscal conservatives? I am sure that most of us do. We want to spend our money wisely and get what we spend our money for. Americans' as of the year 2000, paid \$4,500 per capita for health care. That is the year 2000. It's \$5,300 now. The next closest country was Switzerland. Thirty percent (*inaudible*) \$3,300. The most sensitive indicator of the quality of health care according to the World Health Organization, which has been a standard for the indicator of health care, is infant mortality. According to the CIA document that you can look up on line on their web site, the United States ranks 42nd in the world. That is 42nd from the top of quality of care with respect to health care by their infant mortality rate. We have more infants dying per thousand born, live births each year than 41 other countries in the world, yet we spend the most of any country in the world on health care per capita. We have a less sensitive indicator which is life expectancy. We are ranked 27th in the world in life expectancy. Yet, we spend the most on health care in the world. As fiscal conservatives, we are paying for a Cadillac, paying for a Chevy with three tires. That is what is happening.

What is driving this? Well, one example, we are presently as we can all agree, in a recession or depression. Inflation is running at, we have our Budget Director here, but I am wondering if it's running one percent, half of a percent, or actually it's zero. I run a private business. I got my bill for new premium this year, 21% increase in health care costs. All of us as business owners are facing this kind of inflationary rise in health care, yet we're in a recession/

depression at zero or very low inflationary rate. What is driving this costs? If you look at the other universal care, the counties that have universal care, like Canada because that is the example I know, their administrative cost is 8 1/2 cents. Medicaid in this country, the health care provided by Medicaid in this country has an administrative cost of somewhere between 8, 9, 10%, somewhere in that range. Medicare, 8 1/2 to 9 1/2% administrative costs. Blue Cross/Blue Shield, Independent Health, twenty five cents on a dollar, doesn't go back to your health care. Medical loss that they describe, that is a rather interesting term, the cost to provide health care to their insured, is seventy five cents. Twenty five cents is going somewhere else. We know 8 1/2 to 9 1/2 cents, probably a good measure and there is another 15 cents in there that is going out the window and we don't know where it is going. I think that we have to address what is happening. It's killing us all as small business owners. I, when I was a practicing physician in Canada had a clerk who worked 8 hours a week. That is one day a week to do my billing. I have a office here that is 10 times as large. Do the math, 10 times 8 is 80 that is two people. I have four and a half to five and a half dealing with 400 different insurers, using a very sophisticated computer system, and I am still twice as inefficient because of all their rules and regulations, individualized, their credentialing, none of them uniform, that I am having to pay for, that I am having to pass on, if I can, to the people's that I see and it doesn't help healthcare at all. We have to fix this system. I think this is the time that we all have to look very, very carefully at what we are talking about here because it is killing this country and it had been identified by our President, Budget Director, and they are talking very seriously about it. I think we as, you as Legislators, and us as small business owners have to address this or it is going to drive us continually further and further into debt if we don't address this, and we're getting very poor quality care according to the statistics that I mentioned to you earlier. Only 85% of our population has health care coverage and yet we're paying the most per capita than any country in the world. This makes no sense. Thank you.

Mr. Greg Lindquist, 21 LaSalle Ave., Jamestown, N.Y., representing the Greater Jamestown Empire Zone and Patrick Stokes, 338 Central Avenues, representing the Dunkirk/Sheridan Empire Zone.

Mr. Lindquist: Thank you for the opportunity to speak before you this evening. On behalf of the Greater Jamestown and Dunkirk/Sheridan Zones. We wish to draw your attention to the recent executive budget bill released by Governor Paterson. In particular, one proposal, Empire Zone Reform, would severely limit businesses that are desirous of locating and remaining with in Chautauqua County, access to valuable State tax credits. These are incentives that server as a stimulus to retain and hired County residence and in invest in capital projects. Globally recognized as valuable tool to attract and retain business entities in New York State, the Empire Zone Tax Credit program offers incentives to approved companies for capital investment and new job creation. These new jobs and investments must occur at locations and improved Empire Zone area. Locally this program has a assisted companies such as Cummings Engine, Nestle Purina, Cliffstar, the Connection Call Center, Premier Tool & Die Cast, and Carriage House,

remain competitive, invest in Chautauqua County and offer employment opportunities for its residence. Under the Governor's proposals, companies will be required to document that for every dollar in tax credits that they access, they must contribute back to New York State \$20 in investment. Under present law, this ratio may be as low as \$5 in investment to \$1 in tax credit for project that occurs in economically distressed areas. This new more restrictive ratio also has a retroactivity provision that will be applied not only to new businesses but also to each and every business in Chautauqua County that is certified as a zone business. There are 54 businesses in Dunkirk/Sheridan Zone and 119 businesses that are represented by the Jamestown Zone. Initial estimates indicate that as many as 40% of the 173 businesses that are certified by the Empire Zone in Chautauqua County could be decertified and lose the ability to tap into the New York State tax credits. Further new entities wishing to apply for the program, will be limited under the Governor's proposal to the manufacturing sector alone and large projects of regional significance.

Further more, the proposal will centralize the operation of this statewide program to Albany. This program is currently administered on a local level with applicants to the program meeting local and State approval for entrance. If the Governor's Reform proposal is adopted, local input will be lost. One centralized office in Albany will unilaterally decide which businesses and projects in Chautauqua County have sufficient return to the local economy to access Empire Zone tax incentives. It is important to note that zone tax credits afforded to businesses on a performance based system. Companies must create jobs and invest in capital improvements to access the credits. This is not a grant program. In other words, no jobs created, no investment made, no tax credits.

In deed this evening you will be voting on a resolution to form a local development corporation to oversee the clean up of the former Roblin Steel site in Dunkirk. Access to Empire Zone tax credits may be a necessary inducement to attract private sector investment to this project. When coupled with the availability of Brownfield opportunity area program, in the tax credits of the (*inaudible*) affords, this site can be returned to a productive and tax producing asset for Dunkirk. As further example, the City of Jamestown will be pursuing a similar project in concert with Buffalo Street Partners LLC, and IDS Virtual (?) Depot for demolition and site cleanup of the former Dahlstrom manufacturing complex. A priority project for the city and the upcoming round three or restoring New York communities initiatives, many of the blighted and now vacant buildings are proposed to be demolished and replaced with green space, continuation of the Jamestown Rivewalk system and a future planned construction of a new 50,000 square foot warehouse facility that will house expansion of ideas (?) Depot. Access to Empire Zone incentives is a key component to the commitment of private capital to complete this project. Although we are sympathetic to the multi billion dollar budget gap currently facing New York State, we do not concur with the Governor's proposal that a sound approach to help close this gap would be to eliminate or extinguish incentives that helps businesses invest and grow in New York State. Particularly in Chautauqua County. We ask that you join us in sending a clear message to Albany that we do have hope for our local economy and further that restricting access or allowing the Empire Zone program to sunset, may indeed slow the recovery of the economic downturn that

exists today.

Chairman Ahlstrom: I would like to remind you as some people came in a little bit late, if there is anyone that would like to address the Legislature on any item on tonight's agenda, now is the time to do it, under this first privilege of the floor.

I'm David Rinehart, I am the program Director with Chautauqua Striders. I live at 419 Crosner Street in Jamestown, N.Y.

Jeff Mason, 449 Ivory Road, Frewsburg, N.Y., athlete with Striders.

Savonta (?), 349 Foote Avenue, Jamestown, N.Y., athlete with Jamestown Striders.

Mr. Rinehart: In November of 2008, the Chautauqua Striders were named the host of the USA Track and Field Region 2 Championships. After nearly 30 years of competing in this meet and traveling to places like Blaire, Maryland, Pomona, New Jersey, Allentown, Pennsylvania, and Pittsburg, Pennsylvania, we finally have the opportunity to host this meet in Chautauqua County at Strider Field. Over the last several years, we have had some significant upgrades to Strider Fields that will allow us to bring this type of meet to Jamestown, New York.

This meet rotates through out four associations and six states. The Mid-Atlantic Association in Philadelphia was unable to commit to putting on this meet and it was offered to the next association in the rotation which was the Niagara Association which in turn, chose Strider Field of Jamestown, New York. This four day competition can bring as many as 1,200 athletes to Chautauqua County along with their parents, chaperones, coaches, and siblings. The economic impact that we are estimating along with the Jamestown Development Corporation could be in excess of \$1.3 million dollars to Chautauqua County. We are currently in the process of blocking hotel rooms throughout the County. Dunkirk, Fredonia, Findley Lake, Falconer, and of course, Jamestown. Along with that, we're working with the restaurants to make sure that they are ready for all the mouths that they are going to have to feed over those four days. The Chautauqua Sports alliance, we've been working with them and they are already considering with the numbers of people that we're going to be bringing to Chautauqua County, this has the potential to be the largest sporting event in the history of Chautauqua County. We've put a request before the Planning and Economic Development Committee for funds from the bed tax and we hope that you will all approve those this evening so we can ensure in putting on the best event possible at Striders Field for all of our visitors that are coming to Chautauqua County in 2009. This will be our first big meet and we're hoping that we can have many more in the future.

Savonta: I have been an athletic with Chautauqua Striders since 7th grade and I have traveled with them to Allentown, Pomona, New Jersey, California, all over the nation and it's been a great experience. I get a chance to meet new people, experience new things around the

country and it's just a great opportunity for athletics all around the region and a great opportunity for athletic all around the region and it's a great opportunity for our County.

Mr. Mason: I just joined Striders last year but from the time that I have been in it, I've learned so much from them. They teach you how to be a good athletic but they also build character. Like Savonta said, it's a great opportunity to travel around if you don't have an opportunity to do so otherwise.

Chairman Ahlstrom: Thank you. Is there anyone else to address the Legislature under the 1st privilege of the floor? Seeing none, we will close the 1st privilege of the floor.

STATE OF THE COUNTY ADDRESS
COUNTY EXECUTIVE GREGORY J. EDWARDS

Legislature Chairman Ahlstrom, Majority Leader Kindberg, Minority Leader Croscut, and the entire Chautauqua County Legislature; Thank you for giving me a few moments on your agenda to deliver my State of the County address for 2009.

Fellow County employees, friends, special guests and taxpayers of Chautauqua County I appear before the Legislature this evening at a historic period in the life of our State, and our Nation. We are in the midst of what virtually everyone agrees is a severe recession. Our Federal Government has already borrowed billions of dollars for bailouts, and now has passed legislation that has over 700 billion more dollars, all of it borrowed, and scheduled to be spent in the near future. Worse yet our State faces over a 47 billion dollar deficit, that has resulted in our Governor presenting his Executive budget for this upcoming year which includes over 80 new or increased taxes and fees, cuts in many sectors of service, with a promise of much more of the same in the years ahead.

In light of these sobering facts one would expect that my State of the County would be full of doom and gloom for the future of our County setting forth an upcoming year, full of increases in taxes, elimination of essential services, and heavy reliance on debt to cover our costs of delivering the State's services.

There have been many challenges introduced to Chautauqua County over the last year, and many more on the near horizon and I will take a moment to review just a few.

The graph above shows that from 2000 to 2010 our local share expense for Medicaid will almost double, from approximately 15 million dollars in 2000 to almost 30 million dollars in 2010. This requires the tax payers of our County to pay to the State almost 30 million dollars from our hard

earned wages for this one bill. Every year this goes up and every year new tax dollars must be found for this payment to NY State. Currently over 50% of all of the County property taxes paid in Chautauqua County go to cover this one bill from Albany.

NYS spends over 45 billion dollars for our Medicaid program every year. That one budget line in our State budget exceeds the total State budgets of 42 states and there is no indication from Albany that this level of spending is going to be reduced.

At the same time our Medicaid obligations have continued going through the roof, our revenue from Federal and State sources have been declining. In 2005 we received over 135 million dollars, yet this year in 2009 we are budgeted to receive less than 124 million dollars, a loss of over 11 million dollars in revenue to run County operations.

With these undeniable factors impacting on our finances it would be reasonable for the people of our County to assume that as taxpayers we would be facing steep increases in County taxes, and reduced services as is currently happening at the State level. This has been true in the past when our County property taxes were raised 33% from 2003 to 2005 and sales tax was raised 18%. However, during the last four years the County property taxes have been reduced 12.6%, sales taxes have been eliminated on many purchases and our General Sales Tax rate has been reduced from 8.25% to 7.75%, one of the lowest rates in the State. Despite our current challenges we can continue to achieve reductions in our taxes if we continue to be fiscally prudent going forward.

I know this is true because while we have been cutting taxes we have also been prudent in other areas of our finances evidenced by our fund balance, which represents the equivalent to a tax payer's savings account. The New York State Comptroller has issued opinions supported by our auditors, and Bond rating institutions directing Counties to maintain a fund balance between 5% and 15% of their revenue. In 2002 our undesignated fund balance was less than \$21,000, representing less than two tenths of one percent of our revenues. Now, in 2009 our fund balance is 13 Million dollars approximately 13% of our revenues. This increase in our savings occurred at the same time that we were paying down the debt created by a self funded insurance plan in 2005 that was \$2,246,000.00 and now is less than \$1,100,000.00.

While cutting taxes, paying past due bills, and developing our savings account to meet State guide lines, Chautauqua County became the first County in the State to recognize and fund our GASB 45 obligations. The Regional Institute of the University of Buffalo completed their January Policy Brief entitled "The End of Local Government As We Know It?" that can be viewed at www.regional-institute.buffalo.edu.

This report analyzed the legacy burden of non-pension benefits and confirmed that Chautauqua County had a 30 year liability of 25 million dollars compared to Cattaraugus County at 124 million dollars and Erie County at 736 million dollars. We have already recognized and funded this liability with deposits of over 13 million dollars in our designated fund balance and this work

puts Chautauqua County at the head of the class in this area. We are an example of how to manage this obligation through negotiation with our workforce on benefits, properly account for these expenses and budget for the future.

How were we able to achieve this significant track record of successes in these challenging times? There is no single answer, but it is due in large part to the commitment of all of the Department Heads, and employees of our County to a more fiscally prudent approach to our operation, and a focus on performance in providing the services and programs that we fund with tax payers money.

Since 2006 I have reported on many of these efforts resulting in merging of departments, elimination of waste and duplication of services, renegotiation of contracts saving hundreds of thousands of dollars, and many other cost savings initiatives. Over the last year we continued to pursue these goals and have successfully implemented changes and new initiatives that continue to save tax payer dollars. While it would be impossible to recount for you this evening all of the work of each of the Departments in County operations, I will provide you with some highlights.

Methane to Electric

We have successfully navigated most of the challenges that have been placed in our way to convert this harmful gas emitted from landfills into clean green electric energy. We will begin construction of the physical plant in May and are scheduled to begin producing electricity 4 months later in September of 2009. This will result in a projected 2 million dollar revenue to our county over the course of 12 months giving us a non-tax resource to reduce yet again the pressure on our property tax payers. This exciting new production is occurring due to my work with a professional team from our Finance, Legal, Development, and Public Facility departments, and our developer IES. I have also asked IES to market our elimination of Methane through flaring for 'green credits' and the early reports confirm that we should be able to see a return of even more dollars for this positive impact on our environment.

Finance Department

Our Finance Director Darin Schulz who also acts as our Insurance Director has worked closely with our insurance brokers Flex Care on our new health insurance package. Together we have delivered a new health insurance package through the Western NY Alliance that saved the County over 2.6 million dollars from the projected costs for 2009.

Our overall health insurance costs for the last three years have increased less than 3% in a market where single year increases for most employers have been over 10%. In addition as a member of the Western NY Alliance Chautauqua County has taken the lead in opening the door for other municipalities and employers to join this consortium to drive down their costs for insurance and

improve the health of our residents.

Veterans Services

Last year I hired our new Director of Veterans Services Troy Smith after the retirement of Jim Hurley. Troy has continued the progress in this department providing more services to more Veterans. The Chautauqua County Veterans Service Agency has completed over 23,000 contacts with Veterans over the last 4 years with a staff that consists of the Director, 2 Service Officers, and 1 full time and 1 part time staff assistants. This contact rate ranks our County 3rd out of the 62 Counties in the whole state for volume of efforts on behalf of Veterans. This Department has also been leading the way securing Medicaid savings with our demonstration project saving over \$623,000 dollars and increasing the benefits received by our Veterans. We were able to acquire a Disabled American Veteran's van to transport our Veterans to the Erie Pennsylvania VA Hospital, and a new bus to transport our Veterans to the VA Hospital in Buffalo with our number of Veterans using this service increasing over the last three years. We also have new and exciting developments in the office itself, we are relocating our Veterans Service Agency office to 610 West Third Street, the same building that is home to our Office for the Aging, and the new Veteran's Clinic operated by Sterling Medical located just across the Third Street Bridge in Jamestown. This will be yet another dramatic improvement in the services for County Veterans.

Department of Development

The Department of Development and Planning began last year to create a new Comprehensive Plan for our County. As I have stated on numerous occasions, the last comprehensive plan was done in the late 1970's that projected what we as a County looked like in the late 1990's. Nothing had been done to address this lack of direction for over 15 years. Failure to plan is planning to fail, so I directed Bill Daly and his team to undertake this significant project and great progress has already been made and over the next year all of the residents of our County will have the opportunity to partake in the creation of a plan to drive our growth and development for many years to come.

In addition the Development Department and the CCIDA have been instrumental in the historic levels of investment that have occurred and continue to occur by businesses in our County. In each of the last three State of the County Addresses I have highlighted this work, and tonight will just assure you that progress is continuing on a rapid and impressive pace in this arena.

Human Services

The Human Services Departments were successful on a wide range of issues this year on behalf

of our residents, despite the challenge that much of their work is dictated by the mandates placed on them by the State of NY. The Mental Hygiene Department secured a 9 million dollar grant beating out competition from across the nation which will enhance services for our County. In addition to these efforts the Departments of Social Services, Office for the Aging, Mental Hygiene, Probation, and Youth Bureau have been working in a collaborative, coordinated effort to deliver services that will result in significant improvements in efficiency and cost containment. Equally important will be the improved customer service that this will provide to our residents who are served by these professionals each year.

Health Department

The Chautauqua County Health Department continues to deliver for the people of our County. This County Department works every day to ensure that our communities and those that live in them are as safe and healthy as possible. While it would be impossible to convey all that this group of professionals does in this address, a few statistics will provide some insight into what they do for all of us.

Our clinics operated by this department are staffed with 15 nurses, 4 aides, 2 nurse practitioners and 6 clerical staff. During 2008 these 27 employees saw over 6,570 patients, and an additional 3,319 individuals attended our walk-in Immunizations clinics.

This group also managed over 3,602 visits to our family planning and STD clinics, and administered over 2,600 HIV tests.

Our Environmental Health Service team which is comprised of 9 field staff assured that our living and eating establishments were safe in 2008. They completed 636 food service inspections, 496 animal bite inspections, 328 private sewage permits were issued, 270 investigations of violations of the Public Health Laws, 266 adolescent tobacco use inspections, 175 children's camps, and campground inspections, along with over 230 other inspections. This is not a complete list but merely a representative sample of their accomplishments this past year.

We also have a group of Water Specialists in the Health Department. This team of just 3 professionals inspected 59 public water supplies, everything from small restaurants to municipal systems, and schools, and analyzed over 3,504 drinking water samples in their State certified lab. In addition they analyzed 1,060 non-potable water samples including wastewater and beach samples. They also assisted 400 private home owners who had water samples that tested positive for bacteria, including trouble shooting possible causes and methods to disinfect their wells. Special projects were undertaken to computerize all of the septic system files in the County, develop a GIS application to computerize system inspections, and developed an application for mapping private water wells to protect water quality when citing septic systems.

This is also the team of professionals who took on a major project at my request to complete a full analysis of the status of the municipal water systems in our County. They completed this task for the Northern portion of the County after investing over 700 hours in this effort which is now the foundation for the work being undertaken by a number of municipal leaders in our County to form a north county water district. The report can be seen in it's entirety at www.co.chautauqua.ny.us/health/healthframe.htm, under the heading Drinking Water Reports. This is an excellent example of how County forces can be a critical part of the process of professional analysis leading to evidence based decisions on possible consolidation, and regionalism.

What does our future hold for us?

This recession has the capacity to impact negatively on all of us. No one will be untouched by these trying times. However over the last three years we here in Chautauqua County have built significant capacity to deal with these challenges. Capacity in our businesses as they have experienced historic levels of growth, expansion and job creation. Capacity in our County Government to make difficult decisions to find more efficient ways to do what we are asked to do by New York State and our constituents. Capacity to come together to do what is expected of us despite differences in our party affiliations to do and accomplish what is essential to help our County prosper.

Last year I challenged all of us to find a way to work together in meaningful duties to allow our children and their children to look back with pride in our accomplishments. I challenged us to define ourselves by our common goals to accomplish continued improvement in the quality of life in our County. I am pleased to report that we did just that last year and have much to be proud of. This year is going to be a year of significant trials, but we have shed much of our negativity, stepped out with confidence and encouraged those who live work and worship here to join us in our endeavors. We will need this proof of success through partnership to not only survive but thrive in these challenging times ahead.

As this year progresses I will continue to improve our services as a County Government and our work with our municipal partners through shared services, consolidation, and transfers of responsibility where appropriate. The County will continue to take the lead investigating opportunities and giving assistance to all of our partners to make decisions based on facts and business analysis and not get mired down in the trap of "it has always been done this way", or jump heedlessly into the latest fad that does not improve the delivery of necessary services to our tax payers.

We will continue to invest in and support the businesses that provide jobs to our residents by fighting against the efforts in Albany to kill our IDA and Empire Zones which would eliminate

two of the most valuable assets we have to keep and draw jobs to our county.

We will continue to support the growth we are experiencing in the development of green energy and technology, with methane, wind power, and other energy initiatives. We will produce new energy and draw new attention to our efforts with our second Energy Conference October 23 and 24, 2009.

We will continue to assist our municipal partners and other employers through the Western NY Alliance which can lower the cost of providing health insurance for the people of our County. This will create healthier employees, and reduce costs for employers resulting in less tax and more jobs.

We need to continue to be committed to reducing property taxes on the people and businesses that pay these bills, and we can deliver reductions in these taxes for 5 years in a row if we work together.

I am asking all who are here tonight and those who belong to this great County to join me in forging ahead with a focus on what we can continue to achieve with a commitment to making the right decisions, at the right time, for the right reasons. We must not fall prey to the infighting and blame games that are occurring in so many of the regions around us. Our future is bright, our opportunities can be limitless if we focus on all 139,000 people who make their homes in this great County, and the resources we have at our disposal to meet their needs.

May God bless us in our work, our servicemen and women who are protecting us in areas around the world, and may God bless America in the days ahead.

COMMUNICATIONS:

- 1. Letters (5) County Executive - Re: Appts. & Re-Appts. Emerg. Medical Servs.; Ethics Bd.; Community Servs. Bd.; Health Board; Soil & Water Conservation Bd.**
- 2. Letter – Senator Young – Re: Ack. Receipt of Motion 12-08**
- 3. Letter – S. Baran – Resignation from Ag. & Fmld. Protection Bd.**
- 4. Minutes – Chaut. Co. Soil & Water Conservation District**
- 5. Letter – NYS Department of Environmental Conservation**

**VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS
NO VETOES FROM 02/04/09**

LAID ON DESKS FOR ACTION AT THE 3/25/09 MEETING:

LOCAL LAW INTRO. 1-09 – A LOCAL LAW ABOLISHING TERM LIMITS OF THE COMMUNITY SERVICES BOARD OF CHAUTAUQUA COUNTY

RES. NO. 32-09, Confirm Re-Appointments – Off Track Betting Committee, by Planning & Economic Development Committee – **Unanimously Adopted**

RES. NO. 33-09, Confirm Re-Appointments - Chautauqua County Soil & Water Conservation District Board, by Public Facilities Committee – **Unanimously Adopted**

RES. NO. 34-09, Confirm Re-Appointments – Emergency Medical Services Council, by Public Safety Committee – **Unanimously Adopted**

RES. NO. 35-09, Confirm Appointments & Re-Appointments - Chautauqua County Ethics Board – **Unanimously Adopted**

RES. NO. 36-09, Confirm Appointments & Re-Appointments - Chautauqua County Health Board, by Human Services Committee – **Unanimously Adopted**

RES. NO. 37-09, Resolution of the Chautauqua County Legislature: (1) Issuing a Negative Declaration with Respect to Approving Disposition of Certain Realty in the City of Dunkirk; (2) Authorizing a Public Hearing Regarding Disposition of Certain Realty in the City of Dunkirk; (3) Approving the Formation of a Local Development Corporation Under Section 1411 of the New York State Not-For-Profit Corporation Law to Hold Title to Said Realty, by Planning & Economic Development - **Unanimously Adopted**

RES. NO. 38-09, Additional 2009 Occupancy Tax Allocation, by Planning & Economic Development and Audit & Control Committees

Legislator Barmore: I have a question for Mrs. Kindberg. This came up in caucus and we're kind of wondering what kind of budget they needed? We think that it is a very worthwhile endeavor, but we were wondering how they were going to get by on \$5,000? Do they have other funding sources and is it taken care of?

Legislator Kindberg: Yes, they do have an extensive budget. The \$5,000 would be a very small portion of that. Although this request fell outside the normal timeline for occupancy tax request. The Chautauqua Striders did fill out a complete application so that information is all

available and as part of that application there was a detailed budget. I don't happen to know the numbers off hand. I know that perhaps Mr. Rinehart would be able to answer that if you need more detail.

Legislator Stutzman: I think this is a great program. I commend those gentlemen that have shown up to talk about it and I think that it is great that they not only mentioned athletic, but they talked about the value of good character because God knows, we need to have good character instilled in our youths today. The one thing that I am concerned about and I have been very consistent about this from the beginning, we had a request last time we were here from the Dunkirk Harbor. A significant amount of money which of course I think that it is important that we address that and now again, we have another request of bed tax money. So, I am wondering, did this go through the same criteria as all of the other requests for bed tax or is this going to be a trend of the Legislature that every time we have a request we're just going to throw it out on the table, vote on it, and give money. Maybe if Mrs. Kindberg could respond to that that would be great.

Chairman Ahlstrom: I have Mr. Gould first.

Legislator Gould: I would like to be added as a sponsor because I am the only Legislator in the room that has been to a Junior Olympic Regional Track meet. The one that I was at was in New Jersey and there were probably 5,000 people there. So, I would feel that I should be added and I checked with Mrs. Kindberg and it's o.k. with her.

Legislator Kindberg: While Mr. Gould is the only Legislator at this point who has attended one, I am hoping that after July 9th through 12th, we can say that we have all been to one.

To address some of Mr. Stutzman's concerns. Certainly this is falling outside the normal timeline for our bed tax process for allocations and applications. There are probably a few Legislators here more tied to our current policy than I am having worked on it for three years, actually since the inception of the bed tax itself. While I understand the need for good policy for comprehensive policy to deal with many of the issues that come before this Legislature, I am also very much aware of our need to be flexible. In that when we have applications such as this that fall outside the parameters of our specified guidelines and timelines, I think that we need to take a special look and consider the return on investment that such a proposal brings to us. Certainly in what we heard earlier, this event will bring and estimated 1,200 young athletes to this area, they will be accompanied by family members, by coaches, by trainers. There will be staff and officials in the area during this time. Certainly the economic impact is something that we need to consider and while I can not recall all of the applications that went through this last process, I can bet that had this proposal come during that timeline, that certainly would have been approved and probably represents a far greater return on investments than some of the other events that we did

approve and allocate money to. So, I would encourage all of my colleagues here tonight to consider this even though it is, by the Chautauqua Striders own admission falling outside the normal guidelines. Certainly had they been aware of the opportunity for them to host this event when we were first accepting applications, they certainly would have produced their application for review, but again, recognizing the need for good policy, I also do want to stress that as Legislators, we certainly need to be flexible. Again, I would urge support for this resolution tonight.

Chairman Ahlstrom: I would also, in response to that Mr. Stutzman, since this is coming out of the occupancy tax reserve, certainly would be within the Legislature's prerogative during the 2010 budget process to replace this money if that reserve has fallen below the level that we feel it shouldn't be, before we make allocations in 2010.

Legislator James: I would also like to talk about the reserve and it is a wonderful program. Also, having a daughter that has gone through the program, it's a wonderful program and we have gone to some of the track meets. I am not sure if it was one of the Junior ones, of that size and also being a chaperone on one of those trips, it is just a wonderful experience for the youth and now have this held in Jamestown it's a wonderful thing. The people will be spread throughout the County and so the money that we're talking about, over \$1.3 million spent here in our County and will probably – I think that I heard someone say that it may raise \$1,000 in bed tax also, so I will be supporting this effort.

Legislator Huckno: The last two meetings, we have varied from our system for two very worthwhile projects. Certainly the weeds in Dunkirk, if they so happen to grow, and the Chautauqua Striders program. I have long been an advocate that if we are inflexible, we are really not doing a service to our office. This is a good time for us to hope that we get worthy causes in the next month, in hope that we have enough money to take care of these worthy causes. I don't know what your experiences are with Striders, but they are academic pursuit for our young people, certainly is something that we should be so proud of. The hours they spent that Mr. Rinehart has spent, that Mrs. Cafman(?) has spent, Mrs. Carlson before them have spent, and they take so many of our youngsters, many of them who are from the lower social economic levels and they have raised them. But the most wonderful thing is they have students from all levels and then many of them go on to participate in our athletic pursuits at the wonderful facility. This is a great time for all of us to appreciate athleticism in Chautauqua County and tip our hats to the Chautauqua Striders.

Legislator Duff: If I heard correctly, I believe that the Striders has an estimate, I think that it was said between a million and \$1.2 million and I am speaking as a businessman, if I could spend \$5,000 to bring in an additional taxation at 3.7, it think that it sounds to me like \$50,000 and I think that it is a good deal and I will be supporting it.

Legislator DeJoe: A few years ago the Chautauqua County School Board Association awarded Striders with a Friends of Education Award for their involvement with the youth in education as well as athletic endeavors, tying the two together. I also believe that this Legislature in their infinite wisdom, realized when they set up the reserve fund, it was set up with the fact that, not everything fits in a square peg, in a square hole, or a round peg in a round hole. There are situations that come up out of the norm such as this. Had they been awarded this when it was scheduled, there would have been no problem coming forward. But, I believe that it behooves us to realize the benefit of the people, the students are going to get, the County is going to get and there will be mutual benefit from all sources. I strongly support this, thank you.

Legislator Mueller: I just want to correct the record that I think that I have been to this race too. Coach Rinehart is a great coach and I have had five children participate in this and some of them have been lucky enough to go to these more advanced meets. I support it and I would like to have my name added to it and glad to hear that they are coming to Jamestown.

Legislator Hallquist: I just want to comment that this policy includes concentrating on what is good for moral, edification, as well as financial investments. On a personal note, also as a mother of an ex-Strider, who by the way is running in college based on her wonderful experience in this program. I think that everybody should support this.

Chairman Ahlstrom: Anyone else on 38-09?

RES. NO. 38-09 – Unanimously Adopted

RES. NO. 39-09, Authorizing the South Chautauqua Lake Sewer District to Obtain an Engineering Report with Respect to the Extension of Public Sewer Service to Ashville, by Public Facilities and Audit & Control Committees – **Unanimously Adopted**

RES. NO. 40-09, Accept FAA & NYS Grant Funds for the Construction of the Apron Expansion at the Chautauqua County Jamestown Airport – **Unanimously Adopted**

RES. NO. 41-09, 2008 Citizen Corps Grant Award, by Public Safety and Audit & Control Committees – **Unanimously Adopted**

RES. NO. 42-09, Agreements with Jamestown Community College for Sheriff's and Fire Services Academy, by Public Safety and Audit & Control Committees – **Unanimously Adopted**

RES. NO. 43-09, Authorize and Approve Distribution of Dog License Revenues, by Administrative Services and Audit & Control Committees – **Unanimously Adopted**

RES. NO. 44-09, Amending Resolution 171-08 Regarding RPTL Article 11 Tax Foreclosures,
by Administrative Services Committee

Legislator Gould: I for one will not be supporting this tonight for the simple reason that in poor times we want to foreclose on people's homes in two years instead of three years. I don't think that it gives people time enough to recoup their lost taxes and get even again so I will not support this.

Legislator Hallquist: I was really trying to come up with a reason on how to support this and I'd like to have someone explain to me, more benefits that would come of this. I don't see any benefits of already entrapping the people that are working so hard to keep their homes.

Legislator Barmore: First, I would like to have my name added as a sponsor to this, if I could please?

Chairman Ahlstrom: Yes we will.

Legislator Barmore: Second, we've been discussing this in Administrative Services for a number of months. After looking at all sides of the issue, we feel that it is harder for people to come up with three years worth of taxes than it is at the end of two years and plus Ms. Growley, already has a plan in place where people can come in and pay their back taxes off over a 12 month period and get current. I don't think that maybe we publicized that well enough but if the people knew that when they got to the point where they were two years behind they could come in and start a payment program with the Tax Department, it would be much easier on the citizens. I think that it would be much easier to pay off the two years than pay off three years of back taxes to work on getting current again. So, I will be supporting this.

Legislator Cornell: The reason this resolution is being brought forth is – try to give some reasons. We received a report about a year ago in Planning & Economic Development that showed Chautauqua County has the oldest housing stock in the nation. I believe the statistic was that we have the highest percentage of pre 1940 housing in the nation. That is indicative of having a lot of old houses and also that we haven't had a lot of new development. So clearly, I think that when you are number one in the nation that something that is not good, I define that as something we should do something about, we should act. What this resolution is intending to do, it's intending to speed up the process where we can turn a vacant dilapidated property into either a viable property or into a demolished property. Throughout this County we have seen that these houses that have been vacant for a long time are driving down property values around them, driving down property values in our County, not to mention that they are eye sores and they generally, whether it's a neighborhood or rural community are viewed as negatives in the community. So, when we hear - we've talked about the fact that housing is such a critical

economic development issue that people will relocate or stay and grow in places they want to live, housing is a key component to that. So, what we are trying to do here is act to deal with a problem that puts us number one in the nation in terms of our housing stock. To help spur development and actually help increase the amount of properties that are on the tax rolls with people owning them and viable situations.

Legislator Wilder: I think what the statistics have shown is, those who haven't been able to pay within 2 years are less likely to pay within 3 and that puts an additional tax burden on all of the County residents because of our policy of making municipalities whole. The longer the taxes go unpaid on properties, the further burden there is for the rest of County residents to make up those taxes to the municipalities. Though I understand shortening this process may seem punitive against people who are behind in their taxes, I think when you look at the overall total picture it really is a fair measure of justice for the County as a whole. I will be supporting this motion.

Legislator Barmore: Also I would like to point out that in all likelihood this is not going to take place for another 3 years. It is going to take the Tax Department that long to get caught up. It even says it in the resolution that it will take place by January 1, 2012. In conversations with Ms. Growley, we determined that the current rate of getting caught up from past deficiencies is going to take about that long before it does go into effect. So, it is not going to happen over night.

Chairman Ahlstrom: Mr. Lemon has signaled, call the questions. Any objections? Seeing none, all those in favor?

RES. NO. 44-09 – Adopted w/ Legislators Gould and Hallquist voting "no".

RES. NO. 45-09, Creating a Special Committee of the Legislature to Study the Options Proposed by the Park Strategies LLC, by Administrative Services Committee

Legislator Keefe: I would like to amend resolution 45-09. In the first RESOLVED, change includes seven and amend it to "include five members".

Legislator Kindberg: Second.

Chairman Ahlstrom: Any questions on the amendment changing seven to five.

RES. NO. 45-09 – Amendment – Unanimously Carried

Chairman Ahlstrom: On 45-09 as amended, any questions?

Legislator Cafilisch: I just want to mention Mr. Chairman of the benefit of everyone, the study conducted at a cost of a little over \$50,000. We should be aware that there was a fair amount of money spent on it and it would be prudent on us to at least look at this study that was put together in light of the money that was spent.

Chairman Ahlstrom: Any other discussion?

RES. NO. 45-09 – Unanimously Adopted

Chairman Ahlstrom: Just to clarify this right now, this Committee will consist of the members of the Administrative Services Committee.

RES. NO. 46-09, Creating a Special Committee of the County Legislature to Review the Current Practices and Sustainability of the Chautauqua County Home, By Human Services Committee

Legislator Crocut: In caucus, I had asked if anyone was interested in serving on this committee and Mr. Parks would like to do that. He has had some experience with the County Home and has an interest so I would like to amend the resolution to read four members instead of three.

Legislator DeJoe: Second.

Chairman Ahlstrom: Any discussion?

Legislator DeJoe: When we had our caucus I did not offer to be on this committee because I thought that you were set at three. If you would go to five, I would like to serve so I would like to amend it to five. I have a very deep interest in it and a strong interest when I was in the union and as well as having a parent who passed away and spent a couple of years there. It's something that is very near and dear to my heart.

Chairman Ahlstrom: Mr. Crocut, will change is and make it five.

Legislator Crocut: Yes.

Chairman Ahlstrom: And Mr. DeJoe will second that. Any discussion on the amendment?

RES. NO. 46-09 – Amendment – Unanimously Carried

Chairman Ahlstrom: On 46-09, as amended, any discussion?

Legislator Lemon: At the Human Services Committee we discussed this at length with Mr. Hellwig. I just want the employees at the Home to understand, I think if there is anyway that we can keep this Home open, we would like to do that. I think that it needs to be noted and recorded that we are, I understand, the only County that does not subsidize the County Home and I think that Mr. Hellwig and his staff need to be commended and that needs to be noted. I think that is good news for our County residents. The IGT funds are set to last us about 2 years so that we don't have to go to the property owners to ask them to subsidize it and this now is the time to start looking at this so that we can come up with whatever we need to come up with to keep the Home open, I hope, without putting the burden on the property owners. That is why I asked if I could be on the committee because I would like to be part of that process. Hopefully we can pass this just do a good job so that we can reward Mr. Hellwig for his good work and his staff as well.

Chairman Ahlstrom: Thank you Mr. Lemon. Any other discussion?

RES. NO. 46-09 – as amended – Unanimously Adopted

Chairman Ahlstrom: And the five members of this Committee will be, Mr. Nazzaro, Mr. Park, Dr. Mueller, Mr. Lemon, and Mr. DeJoe.

RES. NO. 47-09, Authoring Lease of Office Space at 610 W. 3rd Street, Jamestown, N.Y. for Veterans' Services Agency, by Human Services and Audit & Control Committees –
Unanimously Adopted

RES. NO. 48-09, 2008 Final Year End Adjustment to Meet Obligations, by Audit & Control Committee – **Unanimously Adopted**

RES. NO. 49-09, Quit Claim Deeds, by Administrative Services Committee

Legislator Babbage: Thank you Mr. Chairman. In the past we've generally had the address of the properties and I would just assume that it is a typo at this point. I think that it is helpful to at least know where these are located.

Chairman Ahlstrom: I agree with you Mr. Babbage. Any other discussion?

RES. NO. 49-09 – R/C Vote: 25 Yes – Unanimously Adopted

MOTIONS:

A. Declaring May, 2009, as Cover the Uninsured Month in Chautauqua County –

Unanimously Adopted

B. Urging Governor Paterson and the NYS Legislature to Maintain the Current Youth Bureau System – **Unanimously Adopted**

C. Supporting the Universal Access to Comprehensive, Affordable, High-Quality Health Care Through a Single-Payer Financing Mechanism for all Americans – An Expanded "Medicare for All" in NYS and the Nation – **Not sufficient signatures**

D. Opposing the Relocation of Guantanamo Prisoners to New York – **Not sufficient signatures**

E. Urging the NYS Legislature to Immediately Enact the Permanent Authority Of County-wide Industrial Development Agencies to Finance Civic Facilities Projects w/ an Increase in the Volume Cap to \$50 Million Per Project as Part of of Overall Industrial Development Agency Reform – **Unanimously Adopted**

F. Supporting Continuation - Empire Zone Program & Local Zone Administrators – **Unanimously Adopted**

ANNOUNCEMENTS:

Chairman Ahlstrom: Just for the Legislature, if you have not met our new employee, Becky Graham, who joined us this week and please introduce yourself and speak loudly so that she can start recognizing your voices because that is more important than recognizing your looks in transcribing here. Welcome Becky. Any other announcements?

Legislator DeJoe: I feel the responsibility as a Legislature, I feel that whenever I miss Legislative meeting to offer an apology and give the reason and I did a year ago. This year, I had a similar situation. February 1st, my wife fell and had a compound fracture of her hip. The surgery was done on February 4th and on February 5th, she suffered a third this past year. So, that is the reason I wasn't here and again, I apologize for that but I thought that I had to be with her.

Chairman Ahlstrom: Any other announcements?

2nd Privilege of the Floor

Legislator Richmond: My reference is to what Mr. Cornell had said here a short time ago in reference to the age of the housing stock in Chautauqua County. I believe that he said that Jamestown was identified as having the oldest stock in all of the country.

Legislator Cornell: The County.

Legislator Richmond: The County only?

Chairman Ahlstrom: The County overall.

Legislator Richmond: In any event, one of the things that is constantly commented about Westfield is about its old housing stock. We constantly hear remarks about the enjoyment of the view and the enjoyment of seeing the condition of those homes in that community. In reference to that, old homes are good homes if they are well taken care of. The disrepair of the stock in our County is very unfortunate and perhaps there is a way for those homes to be recovered rather than be destroyed.

Chairman Ahlstrom: Anyone else to speak?

Legislator Hallquist: I was just curious if he would trade his old home for my old home?

Legislator James: I just want to know if he wants to trade any of those homes for my district.

MOVED by Legislator Cornell, SECONDED by Legislator Hallquist and duly carried the meeting was adjourned. (7:47 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature

Regular Legislative Meeting
Wednesday, February 4, 2009
(rescheduled date)
Mayville, N.Y., 6:30 P.M.

Chairman Ahlstrom called the meeting to order.

Clerk Jankowski George called a roll and announced a quorum present. (Absent: Barmore, Croscut, DeJoe, Gould)

Legislator Kindberg delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Heenan, SECONDED by Legislator Lemon and duly carried, the minutes were approved. (12/17/08).

1st Privilege of the Floor

No one chose to speak at this time.

6:35 P.M.

**PUBLIC HEARING
AUTHORIZING LEASE W/ CTASC AT
CHAUTAUQUA COUNTY AIRPORT/JMST.**

Chairman Ahlstrom opened up the public hearing at 6:35 p.m. with no one attending and then closed the meeting

COMMENDATION:

**BRIAN C. ABRAM
BY CHAIRMAN AHLSTROM &
ASSISTANT MINORITY LEADER
DOUG RICHMOND**

PRESENTATION:

**NYS OFFICE OF REAL PROPERTY SERVICES
STUDY ON COUNTYWIDE ASSESSING
JOSEPH PASSAFIUME**

COMMUNICATIONS:

1. **Certificate to Fill Vacancy; Certificate of Acceptance; Acknowledgement – John W. Runkle - Chautauqua County Legislator – District 6**
2. **Letters (5) – Co. Executive Edwards – Appts. & Re-Appts.; Disaster Preparedness Commission; Chaut. Co. Airport Commission; Southern Tier West Regional Planning; Youth Board; Industrial Development Agency**
3. **Letter – Co. Executive Edwards – Re: CLMC Resignation – Terry Turner**
4. **Letter – Co. Executive Edwards – Re: CLMC Resignation – Bill Evans**
5. **Report – Fn. Director Schulz – December 2008 Investment Results**
6. **Letter – Fn. Director Schulz – Re: Annual Report Aaron Putnam Fund for the Blind – YE 12/31/08**
7. **Letter – Chaut. Co. Soil & Water Conservation District – Re: Appts.**
8. **Draft Minutes – Chaut. Co. Soil & Water Conservation District – 12/18/08**
9. **Letter – Chaut. Co. Environmental Management Council – Re: Scope Comments**
10. **Letter – Chaut. Co. Water Quality Task Force – Re: Scope Comments – Gas Drilling**
11. **Letter – NYS Assemblyman Parment – Ack. Receipt of Motion 12-08**
12. **Letter – NYS Assemblyman Giglio – Ack. Receipt of Motion 12-08**
13. **Letter – NYS Department of State – Ack. Receipt of LL's 11,12, & 13-08**
14. **Letter – NYS Department of State – Ack. Receipt of LL 14-08**
15. **Letter (Faxed 12/17/08) – Concerned Citizens – Re: Opposing Raises**
16. **Letter – NYS Depart. Enviro. Conservation – Re: Violation – Jmst. Vet. Hspt.**
17. **Letter – Hodgson Russ LLP – Re: Noble Ball Hill Windpark**
18. **Letter – V. of Lakewood – Re: Nomination to CLMC from Mayors Organization**
19. **Bond Anticipation Note - \$9,996,000**
20. **Certified Copy of 2009 Chautauqua County Budget**
21. **Proof of Publication – Public Hearing – CTASC Lease**

VETO MESSAGES FROM COUNTY EXECUTIVE EDWARDS NO VETOES FROM 12/17/08

ACTION ON:

LOCAL LAW:

LOCAL LAW INTRO. 23-08 – A LOCAL LAW AMENDING THE PARTIAL TAX EXEMPTION FOR CERTAIN CAPITAL IMPROVEMENTS TO ONE AND TWO FAMILY OWNER-OCCUPIED RESIDENTIAL DWELLINGS

Chairman Ahlstrom: Any questions or discussion? Seeing none, Clerk call the roll.

LOCAL LAW INTRO. 23-08 – R/C Vote: 21 Yes; 4 Absent – **UNANIMOUSLY ADOPTED**

RES. NO. 9-09, Confirm Appointments - Chautauqua County Industrial Development Agency, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 10-09, Confirm Appointment of New Representative from Chautauqua Lake Association to Chautauqua Lake Management Commission, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 11-09, Confirm Appointment of New Representative from Chautauqua County Conference of Mayors and Supervisors to Chautauqua Lake Management Commission, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 12-09, Confirm Appointments & Re-Appointments - Chautauqua County Agriculture & Farmland Protection Board, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 13-09, Confirm Re-Appointment - Chautauqua County Disaster Preparedness Commission, by Public Safety Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 14-09, Confirm Re-Appointments – Southern Tier West Regional Planning Board, by Planning & Economic Development Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 15-09, Confirm Re-Appointments - Chautauqua County Airport Commission, by Public Facilities Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 16-09, Confirm Appointment & Re-Appointment - Chautauqua County Youth Board, by Human Services Committee – **UNANIMOUSLY ADOPTED**

RES. NO. 17-09, Adoption of Waterways Panel Occupancy Tax Recommendations, by Planning & Economic Development and Audit & Control Committees

Legislator Kindberg: I would like to amend by substitution a copy that everyone should have.

Chairman Ahlstrom: Is there a second?

Legislator Huckno: I'll second that.

Chairman Ahlstrom: On the amendment, any questions on making the amendment? To bring this to the floor. Seeing none, all those in favor?

Unanimously Carried

Chairman Ahlstrom: Now, on 17-09, as amended. Any discussion?

Legislator Caflisch: I just want to make sure that we're all on the same page when it comes to allocation of the monies under the recommendations. When we mentioned the Inter Harbor Weed Control Project in the City of Dunkirk, that they would receive the same proportionate funding that the other lakes and waterways get which is roughly 10% of their budget. So, that is what I want to put on the record that the recommendations would be just for that percentage.

Legislator Ahlstrom: I had a brief discussion with Mr. Caflisch just before the meeting on this issue and at that time I thought that it was a reasonable request and I guess I don't think that it's an unreasonable request but I am going to be opposed to this and let me tell you why. I think that when we are looking at distributing over \$400,000 in monies and the biggest waterway in the County receives zero dollars then maybe there should be an exception of the rule. I believe that when we had a process that depending on what side you are looking at it and certainly, I am looking at it on a bias side, representing the City of Dunkirk, might of possibly been flawed when the project as submitted by the City of Dunkirk, did not have a lot of chance of meeting the criteria that the Water Quality Task Force was using because they had already set aside monies for most of the aquatic vegetation harvesting. I think that when we are looking at a problem in an area that is entirely, in my opinion, unique to the County because we're not talking about, for the most part, our weed problem being driven by what is coming into the lake. We're talking about a problem that, for the most part, is because we have the only waterway that, if you went down to its shores today, you couldn't walk across it. It is not frozen and it doesn't freeze, ever. The reason it doesn't freeze is because the biggest, I believe, the biggest single taxpayer in the County is located on its shores and is dumping, I don't know how many millions of gallons of warm water into it on a daily basis. I think, and as a Legislator representing the Dunkirk, I think that for this year we need to make an exception to this. I will agree with Mr. Caflisch that in the future, this should be considered with all the rest of them and in the future I would be held to that whatever the portion is, the portion is. But, I think for this year, because all of the circumstances, we need to make an exception to that. I spoke to the City of Dunkirk earlier today and it's their opinion, though as anybody knows these types of issues change. We could have a summer where

there is no need for harvesting. We could have a summer where there are a lot of needs, no different than any other lake, any other body of water for that. But, they believe that for \$10,000 or less, with what they are going to put in, with their people doing the work and doing the removal, that they would be able to make it through this year. I would offer an amendment that it state in the resolution that \$10,000 go to the City of Dunkirk.

Legislator Duff: Second.

Chairwoman Kindberg: Any comments?

Legislator Cafilisch: I will be opposed this evening to the amendment being proposed. As again, the other lakes have the same issues, maybe not with unfrozen water on a year round basis but there are some years the lakes need more and sometimes a little less with regards to weed control. It's Mother Nature at work. Again, this amount it not proportionate to what the other lakes are receiving in funding and what they do for their lakes. I will be opposed to the amendment this evening as not rationale compared to what the other lakes are receiving.

Legislator Ahlstrom: Not to debate this back and forth with my esteem colleague, but I will use a point that I have heard from my esteem colleague many times in many different areas. We're talking about a funding from a source that the Dunkirk/Fredonia area contributes almost 20% to it. Is it unfair to ask that some semblance of fairness in that funding go back to that area? I seem to remember discussions on certain ski areas generating income that money should go back to it. I have heard of discussions from some other Legislators that monies derived from possibly snowmobiling go back into certain areas. I think it is a consistent argument to say, in this case, the balance of this money through entirely legitimate means and by no means am I questioning the work of the Water Quality Task Force. I think they set up a set of criteria and followed it faithfully and made wonderful decisions based on that. But, I do think that there is a reality to this situation that if over 19% of bed tax monies are generated in a certain area, in a certain amount of fairness, as Legislators, certainly those of us representing that area, we would be very remised in our duty if we were not out there advocating for a portion of this money and I am not advocating for \$82,000 which I believe would be 20% of the over \$400,000 coming back. I am not advocating for that. I am advocating for \$10,000 of that money coming back. I don't think that that is unreasonable.

Legislator Lemon: I would probably be very apt to support this if somewhere in the amendment we could protect ourselves as a legislative body in future years by having something put in there where the rate that is given to the other lakes and waterways that that is what is to be expected from here on out. And if this would be like a one time effort? I don't want to set a precedent that we couldn't, that next year somebody could come back and say, well you gave it to us last year, can you give it to us this year. I would like something that to protect from that.

Legislator Ahlstrom: I would offer, for consideration, I will make an amendment so that we're debating it as an amendment, but I would offer for consideration that it would read that for 2009, the City of Dunkirk be granted \$10,000 for aquatic vegetation harvesting and in the future, in subsequent years, that the City of Dunkirk and all municipalities in Chautauqua County be held to a formula agreed upon by the County Legislature. A percentage, a formula, whatever the correct term would be. So that in the future, we're not only holding the City of Dunkirk to that but we're holding anybody else who wants to jump on this band wagon to the same set of rules. I think that would not only be fair but would be good government.

Chairwoman Kindberg: Mr. Ahlstrom, are you modifying your original amendment?

Legislator Ahlstrom: I would modify my original. I would withdraw the original if Mr. Duff agrees with that and make that the amendment.

Chairwoman Kindberg: Is there a second?

Legislator Heenan: Second.

Chairwoman Kindberg: Any discussion?

Legislator Huckno: So often we think of ourselves as Legislators representing a certain district and yet we'll mouth the phrase that we are here for all the people of Chautauqua County. I have been certainly concerned and instrumental on the CLMC in the development of it. I don't believe this is a request that we should take lightly. It is not an undo amount. I really don't care whether Dunkirk gives 20% although that is very nice. But I think that \$10,000 for Lake Erie certainly an amount that is excessive. If we're truly concerned with our entire County, Lake Erie should be one of those things. We all know that there are north south issues in this body and I think that it is important that we, as often as we can, set those aside. I believe this is one place where that \$10,000 would do this very well.

Legislator Keefe: Since the beginning of the bed tax issue, I have always said that it needs to be fair an equitable Countywide and I would agree with Mr. Huckno that, that fair distribution at both ends of the County does make it more fair an equitable. When you are looking at an international border, bed tax is generated from residents coming into this area and visitors. We are on an international border in Dunkirk. We have lodging, we have ships coming in, we have a dive center going up, we have a variety of ways to generate more bed tax through easy access to that Dunkirk Harbor. I really think this fits the need of bed tax money, something that is going to generate more bed tax money.

Legislator Caflisch: The issue of proportionality again has been brought up and again, in my district, I generate 29% of the bed tax revenue for Chautauqua County and I get no where near any kind of a percentage that Mr. Ahlstrom is asking for in the same proportionality issue. I can recognize that there are times where there might be an issue of weeds in the inter harbor in Dunkirk but, again, there are some years, as he has said, there are virtually no weeds and other years there are more than enough weeds to go out and do the work. We don't know in 2009, what that work is going to entail. I would much rather look at a situation where we take from a reserve in the occupancy tax and allocate it in the event there is an emergency need to go out and do the weeds. But, at this point and time, no one can point to me that there is an absolutely need that is going to occur for the weeds in 2009. We don't know what Mother Nature is going to deal us. So, again, I would be opposed to it. I would still be willing to support an amendment that would give a proportionate amount of any monies that they spend and if they got into some extraordinary situation, then yes, we could look at an additional appropriation. But, just to come out with a \$10,000 appropriation that we don't know how it is going to be spent, where it is going to be spent, because we don't know what the weed problem is, it doesn't make a lot of sense to me at this point.

Legislator Mueller: I am in support of the \$10,000 for the weed in Dunkirk because I think and as a one time thing. It was probably overlooked and I can't speak for the seven members but I have a feeling that they think the weeds were being covered another way which there was funding for the lakes for weed projects another way. But, I am opposed to seeing us set up percentage or whatever in the future. We set up this panel, seven members that came up with a recommendation. I believe that it is the Legislators right to adjust it if they see that it should be adjusted or if they see there maybe – I think that this was an oversight and I think that it is important that we do adjust the weed issue up there so it will be interesting to see how I feel on this amendment because I am not real sure but I am in support of the \$10,000 funding this year but I don't really want to see percentages in the future and decisions made because 20% of tax money comes from somewhere do we're going to get 20 some percent to – we really need to look at where we would get the biggest bang for the buck, what are the most important things were for the lakes and all of Chautauqua County and the seven members came up, they had about \$400 and some thousand dollars to work with, they prioritized the project and I believe around the top 13, you know there is 13 in there. Could there have been 12 or 14, sure. Those are my opinions.

Legislator Stutzman: I just want some clarification. Mr. Caflisch mentioned some monies and am I correct, Mr. Caflisch's district includes Peak N' Peak?

Legislator Caflisch: Yes.

Legislator Stutzman: Didn't we allocate \$20,000 there last year from bed tax funds.

Legislator Caflisch:(*Inaudible*) was removed ..

Legislator Stutzman: But that wasn't the Legislature that removed it. That was an issue that we're not aware of.

Legislator Caflisch: The Legislature removed it Mr. Stutzman.

Legislator Stutzman: They removed it because of issues outside of our control really but my concern is this. I think that Mr. Ahlstrom makes an incredibly strong point. I said it from day one. We need to have criteria and that criteria for giving funds like this has to be fair throughout the County. The only problem that I have right now, its much like those funds that came back from the Peak or that we pulled them back at the time, we did a lot of, in my opinion, off the cuff spending. We had quick applications, quick requests and immediately, as I remember, I did not support any of them because they were off the cuff. This is kind of a same situation that I am in tonight. I just feel that it isn't enough time to process this, it's off the cuff, even though it's deserved. I think that Dunkirk deserves it, absolutely. But again, it comes back to wanting to see a criteria, wanting to see some form of (*inaudible*), where we no how we're going to allocate these funds before just saying \$10,000 here or \$10,000 there. You will see on my track record again, those \$20,000 that came back from the Peak, I didn't support just throwing that money at things just without a lot of thought. So tonight, I am not going to support it but if we could perhaps have a criteria in place, I think that they deserve a heck of a lot more money than they even have or have received from us.

Legislator Ahlstrom: I would just like to assure all Legislators in addressing one of Mr. Caflisch's points, if the weeds don't grow and we don't cut them, we won't ask for any money.

Chairwoman Kindberg: At this time I am going to ask Mr. Babbage if you wouldn't mind holding for one moment. Mr. Abdella has sketched out what we think is the language to incorporate your amendment. So, I am going to let him share that with everyone before we continue the discussion.

Mr. Abdella: At the end of the first RESOLVED, we would add the following phrase. Except that the amount of \$10,000 shall be awarded for the inter harbor weed control in the City of Dunkirk with the intent of the County Legislature to establish a Countywide formula for allocation for the 2% tax in future years for control of and that is where –

Mr. Ahlstrom: Harvesting of aquatic vegetation, I believe is the correct wording. Mr. Hajdu had mentioned it earlier. Rick, does that sound correct?

Mr. Constantino: Yes.

Mr. Abdella: So that would be harvesting of –

Mr. Ahlstrom: submerged aquatic vegetation.

Mr. Abdella: O.k.

Chairwoman Kindberg: Is everybody clear on the amendment? Then we'll keep discussing it.

Legislator Babbage: Could he read that one more time?

Mr. Abdella: Except that the amount of \$10,000 shall be awarded for the inter harbor weed control in the City of Dunkirk with it being the intent of the County Legislature to establish a Countywide formula for allocation of the 2% tax in future years for the harvesting of submerged aquatic vegetation. (SAV).

Legislator Babbage: Two points. One, I believe in fair distribution. I believe in Lake Erie. I think Lake Erie, our aid to Lake Erie has not been what it should be, but I do have a concern that we have appointed a seven member waterway panel that carefully reviewed and prioritized requests for this occupancy tax funding. They went through and came up with, it looks like 13 projects and this happens to be number 30. I kind of go back and it may be needed. Certainly, I have nothing against Dunkirk and its weeds. I don't like weeds, but to go from 13 and then all of a sudden we're adding number 30 here, I guess I am a little concerned.

Legislator Lemon: I have a question. I under the understanding that if \$10,000 worth of funds don't get used, do they not go back to the County if they are not used in a certain amount of time? So, we really have a no risk situation here. If the funds are needed, they are there and we use them, if they are not we come back and use them somewhere else later for a need that exists. Am I correct?

Chairwoman Kindberg: Yes. That provision applies to all the monies allocated.

Legislator Ahlstrom: In addressing what Mr. Babbage said, I think the reason that, in this case, if its fair to go from number 30 to something that is granted, if you look in the second WHEREAS of the resolution, the last sentence says, and further assigned lump sums to the four lake associations for maintenance of the waterways through harvesting of aquatic vegetation. Maybe we should add submerged in there. So when they looked at it Mr. Babbage, my opinion is, is that they felt that the issue of harvesting submerged aquatic vegetation was already addressed in that WHEREAS. So the Dunkirk project received a low rating based on harvesting was an

issue that we had already addressed in other ways. And, if there isn't anybody else, I would call the question on the amendment.

Chairwoman Kindberg: I didn't have anybody else on the list. So, I think that would be in order. So, everybody is clear on the language to the amendment? I think that we will do a roll call vote. This is just on the amendment.

RES. NO. 17-09 – amendment – R/C Vote: 18 Yes; 3 No; 4 Absent – (No's: Babbage, Caflisch, Stutzman) – Carried

Legislator Caflisch: On the amount that we are going to appropriate then, according to the list, that amount if going to jump to \$425,000. Am I correct?

Chairwoman Kindberg: Yes.

Legislator Caflisch: Are the funds available under the appropriation account, proper appropriation accounts?

Chairwoman Kindberg: I'll turn to Darin.

Mr. Schulz: The 2009 budget was set at \$1,375,000 as a grand total for occupancy tax spending. We expect to receive a little over \$1.3 million for 2008 receipts and that only included 11 months at the 2%, extra 2% level. Throwing in January, hoping that we have at least a good of a year as had before, I would expect that we will have an additional \$10,000 in 2009 occupancy tax receipts. If not, there is also the occupancy tax reserve which was established in case this occupancy tax does not meet revenue expectations.

Chairwoman Kindberg: Is there anyone else to speak to 17-09 as amended?

Legislator Stutzman: Just thinking out loud here. Does that power company have any ownership to that issue just for the sake that they are causing that problem?

Legislator Ahlstrom: I would say that their response might possibly be their ownership is in their \$8 million dollars a year that they contribute in property taxes.

Legislator Stutzman: As an environmental issue.

Legislator Ahlstrom: No, there is not. And just on that issue, there are some benefits of being there. You can also fish in Dunkirk Harbor without worrying about falling through the ice today. Although you can do that on Chautauqua Lake today also.

Legislator Hallquist: I just have a comment. If I was to look at this as an investment and given that in the past we have given away monies to such groups as the Rowing Club and other organizations, I am giving a little acknowledgement to Legislator Ahlstrom because he is actually sticking up for his area and trying to bring money in to that particular area and to make a better investment to the community. Including myself having done such a good job at that, I just want to say thank you and yes, I will support it.

Chairwoman Kindberg: Anyone else to speak? Seeing none, all those in favor.

RES. NO. 17-09 – ADOPTED w/ Legislator Stutzman voting "no".

RES. NO. 18-09, Authorize Agreement to Implement Governor's Office for Small Cities (GOSC) Community Development Block Grant (CDBG) – Funded Private Wastewater and Well Assistance Program and Establish Necessary Accounts, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 19-09, Authorize Acquisition of Rights-of-Way and Easement for the Landfill Gas to Energy Project, by Public Facilities – **UNANIMOUSLY ADOPTED**

RES. NO. 20-09, Accept Grant from FAA for Land Acquisition for Existing R/W 6-24 PRZ, (Engineering Only) at the Dunkirk Airport, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 21-09, Authorize Lease with CTASC at Chautauqua County Airport in Jamestown, by Public Facilities and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 22-09, Moving Partial Funds from Deferred Revenue to a Revenue and Appropriation Account for the 2007 Homeland Security Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 23-09, Authorize Acceptance of Grant and Execution of Agreement with State of New York Governor's Traffic Safety Committee for Participation in Selective Traffic Enforcement Program, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 24-09, To Adjust 2009 Budget for SEMO Funds, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 25-09, Authorize Acceptance of the Office of Children and Family Services Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 26-09, Authorize Acceptance of the National Children's Alliance Program Expansion and Development Grant, by Public Safety and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 27-09, Accept Nutrition Education Funds, by Human Services and Audit & Control Committees – **UNANIMOUSLY ADOPTED**

RES. NO. 28-09, Approving Sale of Tax Liens, - R/C Vote: 21 Yes; 4 Absent - **UNANIMOUSLY ADOPTED**

RES. NO. 29-09, A Resolution Authorizing Issuance of \$5,125,000 Bonds of the County of Chautauqua, New York, to Pay Part of the Cost of Various Capital Improvements for the Jamestown Community College, by Planning & Economic Development & Audit & Control Committees

Legislator Caflisch: Some may look at this as more of a symbolic vote and a lot of symbolism involved but in reality, this goes to the heart of one of the problems we have in this country at the moment and that is spending way above and beyond our means and what we really need for today to move into the future. This bonding resolution is a resolution that could be held off for at least a year until we see some settling in the economy. Nationally we see a stimulus package that is now looking to top one trillion dollars and when you put that together with the \$14.4 trillion in guarantees that the US government has put out there and the unbelievable increase in the (*inaudible*) of the money supply at the Fed reserve level, I think that we should take a hard look at this and decide if we really need to spend \$5 million dollars at JCC at this point and time. I am supportive of the JCC campus and what they are doing there, but, I think that if we waited one year, or some amount of time to see where this economy is going to be, didn't take on this debt at this time. As we can see, revenues are going to be severely impacted this year. Certainly at the sales tax level and other (*inaudible*) revenue sources that we have, I think it would behoove us at this point to make a symbolic move and wait for a period of time until we can be assured that we are going to live within our means.

Legislator Huckno: I believe what Jim said, if he said it two years ago would be apropos. I think at this point, it is not something that we want to even consider. We have considerable input from the State regarding funds that they have already committed to us. I believe in the State of the State and the way cuts have been forth coming we might not see those funds in many years plus the fact that JCC goes out with private donations and they have raised many hundreds of thousands of dollars with that. The Science Building is absolutely an important facility. It is the heart and sole of the college. It has been 30 years since anything has been done. Just like putting the roof on your house. Sometimes we have to go out and borrow to do those kinds of things

because you let your infrastructure go like roads, bridges, things such as that while JCC is part of our infrastructure, they are important for all of Chautauqua County and we certainly should move ahead with this.

Legislator Duff: In this time of an unsteady economy and not knowing what is going to happen in the next two weeks as far as any fiscal problems further and with the greatest of regard for JCC, I also will not be voting on this. It is more, as I say an item of caution and it's symbolic on my part also. But, I do fear the future. I will not be in support of this resolution.

Legislator Hallquist: I have a question and maybe Legislator Kindberg could correct me. Is it true that JCC was supposed to raise \$3 to \$6 million dollars prior to us making up the rest? Was that how it was supposed to go and if not, could somebody inform me?

Chairman Ahlstrom: I believe and Mr. Abdella will correct me but JCC raises 25% of all their projects privately.

Legislator Hallquist: But my understanding was and I am trying to remember the numbers from the meeting and I thought that someone said \$3 to \$6 million, they were suppose to raise first and they have only raised a few hundred thousand.

Legislator Huckno: (*Inaudible*), we will be well into that 25% and we'll raise that before the project will be done.

Legislator Hallquist: Then would we have time to wait then before we – it's not something that we have to do right this minute?

Chairman Ahlstrom: Hold on Mr. Nazzaro because just on that question, Mr. Schulz, is there a timing issue and is there a cost to time?

Mr. Schulz: JCC does intend to move forward with the project sooner than later. They do have the requirement to raise their amount of funding. The Science Building being the first phase would potentially move forward in the Spring. The State funding was contingent upon the County committing to funds which we did that last fall, so hopefully the State funding will be earmarked with that action. So, if the project were to move forward, JCC would not be able to continue with the construction if we did not have the ability to provide our portion of funding. So, if we were to wait, I don't think that they would be able to move forward with their project.

Legislator Kleparek: Just watching the news lately, we all understand that we are having a hard time in this country but with people out of work, many of them are going back to school and that seems to be the driving force right now with not only people coming out of high school but

many people are turning over careers and jobs because they are losing jobs. So, I think that it is a perfect opportunity to stay on course with JCC and improve the campus as much as possible and I will vote to keep that project moving forward.

Legislator Wilder: I think although I can certainly understand the concern over the economy, this is the time, as Mr. Kleparek just said, when we need the educational opportunities more than ever. Hopefully there is a vocational aspect to this new Science Building that will turn out graduates who are capable and trained to do jobs in the new economy. If we always waited for the best time to fund education we would probably always be able to second guess ourselves and withhold funding. Given the times this may be not the worse of times to do this, but perhaps the best. I will support the measure.

Legislator Richmond: One of my observations is identified in this particular resolution of a total cost is \$20.5 million dollars which does identify very clearly that the college itself is raising over \$5 million dollars as we are. One of my observations from some of our past projects which we have bonded for and had great debate on, what comes to mind is the jail and the court system and as we debated that over the years the cost of those projects went up millions of dollars beyond what we originally began at. It's my fear that we will again see inflation (*inaudible*) if we make a delay and because of that, I would support the resolution as worded.

Legislator Nazzaro: Pretty much everything that I wanted to say has been said except again, we are approving the bonding of this. We already have approved the projects. We're not approving the financing. I think we would be sending a wrong message to the community to JCC. That is certainly a valuable asset to the whole County and beyond the County. So, again, our share is 25% and the state of the economy and one of the problems with the economy is that people are not investing in the economy. So, I think that this is important that we move forward and I would like to call the question please.

Chairman Ahlstrom: Any objection?

Legislator Wilder: I have one more question. Is there any labor agreement that, at least a certain percentage of the actual construction work will wind up being done by residents of Chautauqua County, so that there is hopefully a bit of a stimulus from a \$20 some million dollar project.

Chairman Ahlstrom: I do not know the answer. I doubt that there is a labor agreement that agrees that. Certainly, it would take a project of this scope and certainly there will be an economic benefit to Chautauqua County. Clerk, call the roll.

RES. NO. 29-09 – R/C Vote: 17 Yes; 4 No; 4 Absent (No's: Legislators Caflisch, Duff, Runkle,

Stutzman) – **ADOPTED**

RES. NO. 30-09, Requesting Amendment of State Legislation Regarding Imposition of Sales Tax

Chairman Ahlstrom: Any discussion?

Legislator Nazzaro: I would just like to comment on this. I will be supporting this resolution because what we are asking tonight is an amendment to the State legislation. We're not approving at this time the continuation of the additional 3/4 of one percent. I think this will be an issue at the time when we are doing to 2010 budget, but, as you know the additional 3/4 of one percent, 20% of that goes back to the local municipalities and we keep 80% of it. I believe that number is close to \$9 million dollars in the County budget. Now, there is a lot of uncertainty. We certainly hear everyday about the economy, everything from layoffs nationally and all the foreclosures and everything. We hear about stimulus, what is going to happen under the stimulus, what is going to happen under President Obama under this administration, they are only two weeks in. There has been talk about the County would be receiving some money and we don't know that with certainty. So, I think what we need to do here tonight is approve this, asking for amendment of the State legislation to continue the additional 3/4 percent because if we don't, it will expire on 12/1/09. When we do the budget, we're going to have to look at both sides of the ledger, the revenue, the expense and at that time, as long as we do it prior to 12/1/09, we could keep it at 7 3/4, we can make it 7.5% or we could make it 7%. Unless I am misunderstanding this, we're not bound by asking for an amendment, we're not bound to approving the 7 3/4% or the additional 3/4. So, I encourage my colleagues, Mr. Chairman, to support this so that we keep the option open when we do the 2010 budget.

Legislator Caflisch: I think I just want to correct a little bit of what Legislator Nazzaro indicated. This request for an amendment with the imposition of sales tax will have to be passed during this term of the Legislature which will end probably in June. So, it is vitally important that this resolution pass. We'll probably have two more bites at it as the process continues as I understand how we have done this in the past. But, we definitely have it enacted and in place for planning of the 2010 budget because that revenue source will be very, very important as we go forward and knowing how sales tax collection are not reaching expectations this will be vitally important in keeping the property tax as low as possible.

Chairman Ahlstrom: Two corrections to the things that have been said. First one is, we will go through this process but Mr. Nazzaro is correct in that we do not have to take our final action until the budget. Once we have authorization from the State, when we actually do the enabling resolution, it's on our timetable. It's not on theirs. That one doesn't have to go back for approval. If you remember Mr. Caflisch, like the bed tax that sat on the desks for 12 years or something like that. I was also under the misconception and corrected by our counsel, the way

that the State has this resolution set up is, it would be at 7.75% or at 7%. Those would be the two alternatives that we would be discussing when we get to that point and time. The ability to set the rate as an up to which I was under the impression also Mr. Nazzaro that we could, and Mr. Abdella corrected me that we would be 7.75 if we implement it or 7% if we don't. We would have to have communication with the State about the ability to come up with a number in between. Which as we're going through this, I will personally contact the Assemblyman's office and the Senator's office to see if there is a possibility of what we would have to do. Any other questions?

RES. NO. 30-09 – UNANIMOUSLY ADOPTED

RES. NO. 31-09, Requesting Amendment of State Legislature Regarding Imposition of Occupancy Tax - UNANIMOUSLY ADOPTED

MOTIONS:

Chairman Ahlstrom: Motion A. has been withdrawn. Motion B does not have sufficient signatures so we only have one motion.

Proclaiming Black History – UNANIMOUSLY ADOPTED

ANNOUNCEMENTS:

Legislator Babbage: Every Legislator and the staff has received the 2009 edition of the Chautauqua County Visitors Bureau guide. They are printing or have printed 205,000 copies and they have also printed 10,000 maps. This map is a new and enlarged version so take a look at it. It's quite versatile. The map alone is worth the guide. And another little announcement. A week ago, on behalf of this Legislature, I presented a commendation to the Maple Grove Red Dragons for winning the Class D New York State Championship.

Chairman Ahlstrom: I would like to say as another member of CCVB with Mr. Babbage, I believe that Mr. Babbage probably personally distributes about 200 of the 205,000 guide books. He certainly is one of the biggest advocates for Chautauqua County that we have. Any other announcements?

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Lemon, SECONDED by Legislator Cornell and duly carried the meeting was adjourned. (8:04 p.m.)

Respectfully submitted and transcribed,
Lori J. Foster, Deputy Clerk/Secretary to the Legislature