

# Chautauqua County Legislature

6:30 P.M.

**CALL TO ORDER**

**ROLL CALL**

**PRAYER BY LEGISLATOR STARKS**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE MINUTES FOR 08/28/19**

**PRIVILEGE OF THE FLOOR**

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

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

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**VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO**

**NO VETOES FROM 08/28/19**

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**COMMENDATION:**

**CAMERON BARMORE  
CLYMER/SHERMAN/PANAMA  
TRACK & FIELD  
HIGH JUMP STATE CHAMPION**

**By**

**Legislator Frank "Jay" Gould**

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**PRESENTATION:**

**2020 CHAUTAUQUA COUNTY  
TENTATIVE BUDGET**

**by**

**COUNTY EXECUTIVE GEORGE M. BORRELLO**

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**COMMUNICATIONS:**

- 1. Letter – County Executive – Appointment to the Chautauqua County Board of Health**
- 2. Letter – County Executive – Appointments to the Chautauqua County Traffic Safety Board**
- 3. Letter – NYS Department of Tax and Finance – Office of Real Property Tax Services – List of Certified 2019 State Equalization Rates**
- 4. Report – NYS Small Business Development Center - Chautauqua County Quarterly Report**

**CHAUTAUQUA COUNTY LEGISLATURE**

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- 5. Report – NYS Small Business Development Center – Business Permit Center - Quarterly Report**
  - 6. Report – Finance Director Crow – Investment Report – July 2019**
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**RESOLUTIONS:**

- 226-19 Confirm Appointment - Chautauqua County Health Board**
  - 227-19 Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board**
  - 228-19 Confirm Appointments - Chautauqua County Traffic Safety Board**
  - 229-19 Authorize Acceptance of Aid to Prosecution Funds 2019-2020**
  - 230-19 Authorize Agreement with Pine Valley Central School District for School Resource Officer**
  - 231-19 State Homeland Security Program for Fiscal Year 2019**
  - 232-19 Authorize Acceptance of New York State Reimbursement for the Raise the Age Initiative**
  - 233-19 Amend Chautauqua County Department of Health & Human Services 2019 Budget for Increased Raise the Age Voluntary Agency Costs**
  - 234-19 Amend Chautauqua County Department of Health & Human Services 2019 Budget for Increased County Coroners' Autopsy Costs**
  - 235-19 Authorizing Additional SEQRA Review of Waterways Panel 2020 2% Occupancy Tax Recommendations**
  - 236-19 Continuation of Interim Funding for North Chautauqua County Water District**
  - 237-19 Amend 2019 Budget for Operating Efficiency Study**
  - 238-19 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings On 2020 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman**
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**MOTIONS:**

- A. Supporting Adoption of Senate Bill S.428-A and Assembly Bill A.47-A by New York State Legislature Regarding the Prohibition of the Sale and Distribution of Flavored E-Liquid for use in E-Cigarettes**
  - B. Proclaiming September 2019 as Hunger Action Month in Chautauqua County**
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**ANNOUNCEMENTS**

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**PRIVILEGE OF THE FLOOR**

(A member of the Legislature or the public may speak on any subject.  
An individual is limited to 3 minutes and a person representing a group shall be limited to 5 minutes)

CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 226-19

Confirm Appointment - Chautauqua County Health Board

By Human Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following appointment for action by the Chautauqua County Legislature; therefore be it

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

Appointment

Elizabeth Kidder, MD, PhD, MPH

3656 Route 394

Ashville, NY 14710

Term Expires: 9/30/25

Signed: Wilfong, Pavlock, Whitford, O'Connell

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RES. NO. 227-19

Confirm Appointment – South & Center Chautauqua Lake Sewer Districts Board

By Chairman Paul M. Wendel:

At the Request of Chairman Paul M. Wendel:

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

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

Appointment

Will Ortman

3660 Watson Road

PO Box 126

Stow, NY 14785

Signed: Wendel

CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 228-19

Confirm Appointments - Chautauqua County Traffic Safety Board

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George M. Borrello, has submitted the following appointments for action by the Chautauqua County Legislature; therefore be it

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

New Appointments

David Burlee  
6527 East Lake Road  
Mayville, NY 14758  
Term Expires: 7/31/21

Shelly Wells  
3565 Route 394  
Ashville, NY 14710  
Term Expires: 7/31/19  
Replacing Bree Agett

Signed: Niebel, Bankoski, Pavlock, Whitford

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RES. NO. 229-19

Authorize Acceptance of Aid to Prosecution Funds 2019-2020

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office has been awarded a grant in the amount of \$54,460.00 from the New York State Division of Criminal Justice Services pursuant to its Aid to Prosecution Program for the period from October 1, 2019 through September 30, 2020; and

WHEREAS, such funds are to be utilized to enhance priority felony prosecutions within that office; and

WHEREAS, the 2019 Adopted Budget includes appropriations and funding for this grant; now therefore be it

RESOLVED, That the County of Chautauqua accepts the Aid to Prosecution Program grant ("ATP") from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$54,460.00 for the term of October 1, 2019 to September 30, 2020 and any amendments thereto; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any necessary agreements with the State of New York to accept said grant and obtain these funds.

Signed: Niebel, Bankoski, Pavlock, Whitford, Chagnon, Muldowney, Gould

CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 230-19

Authorize Agreement with Pine Valley Central School District for School Resource Officer

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Pine Valley Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of September 1, 2019 through August 31, 2020; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Pine Valley Central School District to provide a certified School Resource Officer for the 2019-2020 school year at a total cost of \$77,556; and

WHEREAS, this is a new contract and is not included in the 2019 Budget but ~~will be~~ **is** included in the **proposed** 2020 Budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Pine Valley Central School District for the purpose of providing a School Resource Officer for the 2019-2020 school year as set forth above; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$19,338
A.3110.----.8	Employee Benefits – Sheriff	<u>\$ 6,515</u>

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services – Chrgs: Oth Gov-Pub Safety	\$25,853
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Signed: Niebel, Bankoski, Pavlock, Whitford, Chagnon, Muldowney, Gould (*PS: Amended by strikethrough and new text indicated by underline and bold*)

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RES. NO. 231-19

State Homeland Security Program for Fiscal Year 2019

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County was awarded funds of \$149,956 under the State Homeland Security Program (SHSP) to Emergency Services; and

WHEREAS, the grant is intended to provide funds to sustain and enhance regional preparedness in the Chautauqua County area through projects and initiatives that comply with the Federal grant guidelines and supports the implementation of the State Homeland Security Strategy; and

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WHEREAS, the grant period runs from September 1, 2019 through August 31, 2022, and as may be extended; and

WHEREAS, upon acceptance of application and execution of contract, funds will be allocated to the proper accounts in subsequent resolutions once the County is ready to expend them; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute all necessary agreements to accept the award and subsequent changes to work plans if necessary.

Signed: Niebel, Bankoski, Pavlock, Whitford, Chagnon, Muldowney, Gould

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RES. NO. 232-19

Authorize Acceptance of New York State Reimbursement for the Raise the Age Initiative

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the State of New York is implementing Raise the Age Legislation and will provide reimbursement funding for counties for costs related to implementation; and

WHEREAS, costs to be covered with no local share include additional probation staffing and community services required by probation departments to effectively meet the goals of the Raise the Age legislation; and

WHEREAS, revenues and expenditures associated with this grant were not included in the 2019 operating budget and are included in the **proposed** 2020 budget; now therefore be it

RESOLVED, That the County of Chautauqua accepts this funding and authorizes the County Executive to execute the Raise the Age grant contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$272,691.00 for the term of April 1, 2018 to March 31, 2020; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2019 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services – Probation	\$ 64,729
A.3140.----.8	Employee Benefits – Probation	\$ 34,856
A.3140.----.4	Contractual – Probation	\$ 12,878
		<u>\$112,463</u>

INCREASE REVENUE ACCOUNT:

A.3140 R331.ORTA	New York State Aid – Probation-Raise the Age	\$122,463
		<u><b>\$112,463</b></u>

Signed: Niebel, Gould, Bankoski, Pavlock, Whitford, Chagnon, Muldowney (*PS: Amended by strikethrough and new text indicated by underline and bold*)

CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 233-19

Amend Chautauqua County Department of Health & Human Services 2019 Budget for Increased  
Raise the Age Voluntary Agency Costs

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, 2019 contractual expenditures for Raise the Age are now projected to be in excess of the budgeted amount; and

WHEREAS, Raise the Age costs are funded at 100% by federal and state funds administered by the State of New York; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6123.RTA.4 Contractual-Juvenile Delinquent Care – Raise the Age \$1,500,000

INCREASE REVENUE ACCOUNT:

A.6123.RTA.R362.3000 New York State Aid – Juvenile Delinquent \$ 1,500,000

Signed: Wilfong, Pavlock, Whitford, O’Connell, Chagnon, Muldowney, Niebel, Gould

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RES. NO. 234-19

Amend Chautauqua County Department of Health & Human Services 2019 Budget for Increased  
County Coroners’ Autopsy Costs

By Human Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, 2019 contractual expenditures for the County Coroners are now projected to be in excess of the budgeted amount; and

WHEREAS, 2019 contractual expenditures for Safety Net are now projected to be lower than the budgeted amount; and

WHEREAS, Safety Net costs are funded at 28% by the State of New York and at 1% by the Federal Government; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2019 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1185.----.4 Contractual-Med Examiners & Coroners \$130,000

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DECREASE APPROPRIATION ACCOUNT:

A.6140.----.4 Contractual-Safety Net \$183,100

DECREASE REVENUE ACCOUNTS:

A.6140.R364,-----.0000 NYS Aid – Safety Net \$ 51,268

A.6140.R464,-----.0000 Federal Aid – Safety Net \$ 1,832

Total \$ 53,100

Signed: Wilfong, Pavlock, Whitford, O’Connell, Muldowney, Chagnon, Niebel, Gould (HS:  
Amended by addition of “----.” in the “Decrease Revenue Accounts”)

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RES. NO. 235-19

Authorizing Additional SEQRA Review of Waterways Panel 2020 2% Occupancy Tax  
Recommendations

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, thirty-one applications for the 2020 round of 2% Occupancy Tax funding for lake and stream protection and enhancement projects were received, and the Waterways Panel has carefully reviewed and prioritized the thirty-one requests; and

WHEREAS, funding within the anticipated budget for 2020 has become available for three additional lake and stream protection and enhancement projects that were recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Division of Planning and Community Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the additional projects recommended by the Waterways Panel for 2020 2% Occupancy Tax funding as follows:

<b>Project/Agency or Organization</b>	<b>Rank</b>	<b>Amount Requested</b>	<b>Amount Recommended</b>
Lighthouse Point	8	\$ 24,136	\$ 24,136
Morse	9	\$ 11,612	\$ 11,612
Park	10	\$ 10,760	\$ 10,760
<b>TOTALS</b>		<b>\$ 46,508</b>	<b>\$ 46,508</b>

Signed: Odell, Chagnon, O’Connell, Starks, Proctor, Muldowney, Niebel, Gould



CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 236-19

Continuation of Interim Funding for North Chautauqua County Water District

By Audit & Control Committee:

At the Request of County Executive George M. Borrello and Legislator Terry Niebel:

WHEREAS, pursuant to Resolutions 39-16, 81-16, and 231-17, the Chautauqua County Legislature established the North Chautauqua County Water District (the "District"), to comprise an area in Chautauqua County consisting of parts of the towns of Portland, Pomfret, Sheridan and Hanover and all of the town of Dunkirk, and authorized bonding in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District; and

WHEREAS, pursuant to Resolution 22-18, the County Legislature authorized the advance on an "as needed" basis of up to \$1million to the District to be repaid to the County on or before December 31, 2018 at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and

WHEREAS, pursuant to Resolution 111-18, the County Legislature authorized a continuation of Interim Funding of up to \$3 million to the District to be repaid to the County on or before December 2019 at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earnings rate during the term of the advances; and

WHEREAS, it is necessary for the District to extend the interim funding from the County through 2020 until the long-term bonding is completed; therefore be it

RESOLVED, That the County Executive is authorized and empowered to continue to advance on an "as needed" basis up to \$4 million to the District **is intended** to be repaid to the County on or before December 31, 2020, at an interest rate to be determined by the Director of Finance equivalent to the County's lost investment earning rate during the term of the advances.

Signed: Chagnon, Muldowney, Niebel, Gould (*AC: Amended by additional text indicated by underline and bold*)

CHAUTAUQUA COUNTY LEGISLATURE

09/25/19

RES. NO. 237-19

Amend 2019 Budget for Operating Efficiency Study

By Audit & Control Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the County Executive and members of the County Legislature desire to address the 2020 tentative budget as it faces many challenges in recurring expenses; and

WHEREAS, it was determined that a study was needed to investigate the operating efficiencies of County Government; and

WHEREAS, use of the A Fund Balance is needed to cover the expenditure because it was not included in the 2019 budget; now therefore be it

RESOLVED, That the A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000 Unassigned Fund Balance—Unassigned Fund Balance \$11,500

;and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1230.----.4 Contractual—County Executive \$11,500

Sign: Chagnon, Muldowney, Gould, Niebel

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RES. NO. 238-19

Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings on 2020 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman

By Audit & Control Committee:

At the Request of Chairman Paul M. Wendel:

WHEREAS, Pursuant to Sections 359 and 271 of the County Law public hearings must be held on the Tentative Budget and the sewer district assessment rolls, with statement of maximum salary of members of County Legislature included in notice; and

WHEREAS, Such notice shall state the time, place and purpose of the public hearing on the Tentative Budget and that copies of the budget will be available for distribution and inspection and specify therein the maximum salary that may be fixed and payable to members of the Legislature and Chairman thereof during the ensuing year; and

WHEREAS, Public hearings on the sewer district assessment rolls will be held simultaneously with the hearing on the Tentative County Budget and the assessment rolls will be completed and open to inspection during business hours before the public hearing on them; therefore be it

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in such publications that a public hearing will be held on the 2020 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 23, 2019 at 6:30 P.M. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in notice of public hearing on Tentative Budget that the 2020 salary of each Legislator shall be no more than \$9,000, that the Chairman of the Legislature shall be paid no more than \$8,000 in addition to his Legislator's salary and that the following positions be additionally compensated no more than the amounts indicated nor for more than one of the positions listed, over and above the basic Legislator's salary.

Majority Leader	\$1000.00
Minority Leader	\$1000.00
(1) Assistant Majority Leader	\$ 500.00
(1) Assistant Minority Leader	\$ 500.00
Each Committee Chairman	\$1000.00
Ranking Members	\$ 250.00

Signed: Chagnon, Muldowney, Niebel, Gould

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_-19**



**TITLE:** Supporting Adoption of Senate Bill S.428-A and Assembly Bill A.47-A by New York State Legislature Regarding the Prohibition of the Sale and Distribution of Flavored E-Liquid for use in E-Cigarettes

**AT THE REQUEST OF:** Chairman Paul M. Wendel:

WHEREAS, Senate Bill S.428-A and Assembly Bill A.47-A have been introduced in the State Legislature to prohibit the sale and distribution of flavored “e-liquids” for use in electronic cigarettes containing such flavoring; and

WHEREAS, many e-cigarette and liquid nicotine products come in flavors that are attractive to young people, such as cherry, fruit punch, chocolate and cola; and

WHEREAS, recent studies by the Food and Drug Administration and the Centers for Disease Control and Prevention show a marked increase in the use of e-cigarettes and liquid nicotine by middle and high-school students; and

WHEREAS, in the past year, the percentage of middle school students using e-cigarettes has increased by 50%, with use by high school students increasing by 80%; and

WHEREAS, the most commonly cited reasons for using e-cigarettes among both youth and young adults are curiosity, fruit and flavorings offered by liquid nicotine manufacturers and the low-perceived harm compared to other tobacco products; and

WHEREAS, limiting liquid nicotine to tobacco flavor available for purchase would reduce children’s interest in using these products while allowing adults the option to continuing e-cigarettes as a replacement for traditional tobacco products or for smoking cessation purposes; and

WHEREAS, the Chautauqua County Legislature finds that it is necessary to protect and promote the public health, safety and welfare of the youth and young adults residing in Chautauqua County; therefore be it

KNOWN, That the Chautauqua County Legislature hereby supports and urges the adoption of Senate Bill S.428-A and Assembly Bill A.47-A; and be it further

MOVED, That the Clerk of the Legislature is hereby directed to forward copies of this Motion to Governor Andrew M. Cuomo, Assemblyman Andrew Goodell, Senate Committee on Health Chairman Rivera, Assembly Committee on Health Chairman Gottfried and all others deemed necessary and proper.

**CHAUTAUQUA COUNTY**  
**MOTION NO. \_\_\_\_-19**

**TITLE:** Proclaiming September 2019 as Hunger Action Month in Chautauqua County

**AT THE REQUEST OF:** Chairman Paul M. Wendel:

WHEREAS, hunger and poverty are issues of vital concern in New York where 11.4% of people struggle with hunger and one in every six children do not know where their next meal will come from; and

WHEREAS, Chautauqua County of New York is committed to taking steps to combat hunger in every part of our community and to provide additional resources that those in Chautauqua County need; and

WHEREAS, Chautauqua County supports the work of FeedMore WNY, a member of the Feeding America nationwide network of food banks and the Meals on Wheel America network, in educating people about the role and importance of hunger relief organizations in addressing hunger and raising awareness of the need to devote more resources and attention; and

WHEREAS, more than 19,878 individuals in Chautauqua County rely on food provided by the members of the FeedMore WNY annually; and

WHEREAS, the members of FeedMore WNY distributed nearly 14 million meals in 2018 through its network of meal delivery sites, food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, the month of September has been designated “Hunger Action Month” in order to bring attention to food insecurity in our communities and to engage 40,000 actions from the public – including volunteer shifts, social media shares, and donations to end hunger one helping at a time; and

WHEREAS, hunger relief organizations across the country, including the members of Feeding New York State – will host numerous events throughout the month of September to bring awareness and attention to reach the 40,000-action goal in efforts to end hunger in their local community; now therefore be it

KNOWN, That the Chautauqua County Legislature does hereby proclaim September 2019 to be:

***Hunger Action Month***  
***In***  
***Chautauqua County***

And encourages all our citizens to observe Hunger Action Month and support this cause that so deeply impacts families in communities across our county and our country.