

2018
JOURNAL OF PROCEEDINGS
OF THE
CHAUTAUQUA COUNTY LEGISLATURE
MAYVILLE, NEW YORK

2010 Census Population
for
Chautauqua County 134,905

Paul M. Wendel, Jr., Chairman..... Lakewood, NY
Katherine K. Tampio, Clerk.....Silver Creek, NY

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CHAUTAUQUA COUNTY LEGISLATURE

#1	(West Tn. of Dunkirk & Part of City)	<u>Kevin Muldowney</u>	10 Beach Rd. Dunkirk, N.Y. 14048
#2	(East Tn of Dunkirk & Part of City)	<u>Robert K. Bankoski</u>	407 Lake Shore Dr. E. Dunkirk, N.Y. 14048
#3	(Parts of Pomfret & Village of Fredonia)	<u>Robert Scudder</u>	348 W. Main St. Fredonia, N.Y. 14063
#4	(East Village of Fredonia)	<u>Christine Starks</u>	100 Central Ave. Fredonia, N.Y. 14063
#5	(Sheridan, Arkwright Villenova, East Pomfret & Tn. & Village Cherry Creek)	<u>Terry Niebel</u>	3199 E. Main St. Dunkirk, N.Y. 14048
#6	(Tn. of Hanover & Villages of Forestville & Silver Creek)	<u>Kevin O'Connell</u>	1148 Moran Rd. Silver Creek, N.Y. 14081
#7	(NE Tn of Chautauqua & Tns. of Stockton & Portland & Villages of Brocton & Cassadaga)	<u>Mark Odell</u>	90 Old Mill Rd. Brocton, N.Y. 14716
#8	(Tns. of Ellery & N. Harmony & Village of Bemus Point)	<u>Pierre Chagnon</u>	3714 Westman Rd. Bemus Point, N.Y. 14712
#9	(NE City of Jmstn.)	<u>Chuck Nazzaro</u>	236 Springdale Ave. Jamestown, N.Y. 14701
#10	(SW City of Jmstn. Village of Lakewood & Part Tn. Of Busti)	<u>Paul J. Wendel</u>	20 Hern Avenue Lakewood, N.Y. 14750
#11	(NW City of Jmstn.)	<u>David Wilfong</u>	39 Norton St. Jamestown, N.Y. 14701
#12	(North City of Jmstn.)	<u>Elisabeth Rankin</u>	4 Arlington Ave. Jamestown, N.Y. 14701
#13	(Center City of Jamestown)	<u>Paul D. Whitford</u>	58 Harris Ave. Jamestown, N.Y. 14701

#14	(Tns. Of Charlotte, Gerry, Ellington & N. Ellicott & Village of Sinclairville)	<u>Daniel W. Pavlock</u>	2 Main Street Sinclairville, N.Y. 14782
#15	(Tn. S. Ellicott & Villages of Celoron & Falconer)	<u>Lisa Vanstrom</u>	55 Plummer Ave. Jamestown, N.Y. 14701
#16	(Tns. of Poland, Carroll & Kiantone)	<u>John Davis</u>	1214 Oak Hill Rd. Frewsburg, N.Y. 14738
#17	(Tns. of French Creek, Clymer, Harmony & SW Busti & Village of Panama)	<u>Frank Jay Gould</u>	70 Hoag Road Ashville, N.Y. 14710
#18	(Tns. Mina & Sherman, Most of Chautauqua & Villages of Mayville & Sherman)	<u>David L. Himelein</u>	P. O. Box 617 Findley Lake, N.Y. 14736
#19	Tns, of Ripley & Westfield & Village of Westfield)	<u>John Hemmer</u>	7539 E. Rt. 20 Westfield, N.Y. 14787

2018
Committee Assignments

Public Facilities

3rd Monday at 4:00 p.m.

John Hemmer
David Wilfong
Chuck Nazzaro **
Bob Scudder
Frank "J" Gould

Administrative Services

3rd Monday at 5:00 p. m.

Bob Scudder
Dave Himelein
Christine Starks **
Kevin Muldowney
John Davis

Public Safety

3rd Wednesday at 4:00 p.m.

Terry Niebel
Lisa Vanstrom
Bob Bankoski **
Paul Whitford
Dan Pavlock

Human Services

3rd Wednesday at 5:15 p.m.

David Wilfong
Elisabeth Rankin
Paul Whitford **
Dan Pavlock
Kevin O'Connell

Planning & Econ. Development

3rd Wednesday at 6:00 p.m.

Mark Odell
Pierre Chagnon
Christine Starks **
Dave Himelein
Kevin O'Connell

Audit & Control

3rd Thursday at 8:35 a.m.

Pierre Chagnon
Chuck Nazzaro **
Kevin Muldowney
Terry Niebel
Frank "J" Gould

Committee Chairs Listed First
Vice-Chairs Listed Second
Ranking Members **

DIRECTORY

CHAUTAUQUA COUNTY DIRECTORY For the Year 2018 COUNTY GENERAL

COUNTY LEGISLATURE

Paul M. Wendel ,Jr., Chairman	Mayville
Katherine K. Tampio, Clerk	Mayville
Lori J. Foster, Deputy Clerk	Mayville

COUNTY EXECUTIVE

George M. Borrello, County Executive	Mayville
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LAW

Stephen Abdella, County Attorney	Mayville
Kurt D. Gustafson, 1st County Attorney	Mayville
Kristen Wright, 2nd County Attorney	Mayville
Allison B. Carrow, Assistant Attorney	Mayville
Thomas Rankin, County Attorney	Mayville

AGING

Mary Ann Spanos, Director	Mayville
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BUDGET

Kathleen Dennison	Mayville
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COUNTY CLERK

Larry Barmore, County Clerk	Mayville
Tracie Haskins, Deputy County Clerk (Resigned: 5/2/18)	Mayville
Kie Mihalko , Deputy County Clerk (Appointed 5/3/18)	Mayville

CORONERS

Warren H. Riles, Chief Coroner (Retired: 6/27/18)	Mayville
Cassandra Brigham (Resigned: 3/2/18)	Mayville
Richard Mackowiak (Appointed: 6/27/18)	Mayville
Francis Migliore	Mayville
Daniel DiStasio (Appointed: 6/27/18) (Left 8/17/18)	Mayville
Desiree Sundquist (Appointed: 4/25/18) (Resigned 9/1/18)	Mayville
Daniel Tyler (Appointed: 4/25/18)	Mayville
Larry Wilcox (Resigned 6/27/18)	Mayville

DIVISION OF PURCHASING

Tracy France, Deputy Director	Falconer
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DIRECTORY

DEPUTY COUNTY EXECUTIVE OF ECONOMIC DEVELOPMENT Mark Geise	Jamestown
ELECTION BOARD Brian Abram, Commissioner (Republican) Norman Green, Commissioner (Democrat)	Mayville Mayville
EMERGENCY SERVICES John Griffith, Director	Mayville
FINANCE Kitty Crow, Director James E. Cafilisch, Director of Real Property Tax Services	Mayville Mayville
HEALTH & HUMAN SERVICES Christine Schuyler, Director	Mayville
HISTORIAN Michelle Henry	Mayville
HUMAN RESOURCES Jessica Wisniewski, Director	Mayville
INDUSTRIAL DEVELOPMENT Mark Geise, Director	Jamestown
INSURANCE Kitty Crow, Director	Mayville
MENTAL HYGIENE SERVICES Patricia Brinkman, Director	Mayville
PLANNING & DEVELOPMENT Don McCord	Jamestown
PUBLIC FACILITIES George Spanos (Retired: 8/23/18) Brad Bentley (Appointed 8/17/18)	Falconer Falconer

DIRECTORY

SHERIFFJoseph A. Gerace, Sheriff
Chuck Holder, Under SheriffMayville
Mayville

VETERANS SERVICES

Greg Carlson, Director

Jamestown

JUDICIAL

COUNTY COURT

Hon. David Foley, Judge

Mayville

FAMILY COURT

Hon. Jeffrey A. Piazza
Hon Michael SullivanMayville
Mayville

SUPREME COURT

Hon. Frank A. Sedita

Mayville

SURROGATE COURT

Hon. Stephen W. Cass, Judge

Mayville

COMMISSIONER OF JURORS

Mary Alice Petrella, Commissioner

Mayville

DISTRICT ATTORNEY

Patrick Swanson

Mayville

PROBATION

Tom Narraway

Jamestown

PUBLIC DEFENDER

Nathaniel L. Barone

Mayville

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 11-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 11-08 REGARDING THE COLD WAR
VETERANS' EXEMPTION FOR COUNTY REAL PROPERTY TAXES

Emailed to Legislature: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 1-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

See Text on Page 375 of 2017 Journal

LOCAL LAW
INTRODUCTORY NO. 12-17
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN
FOR COUNTY OFFICERS AND EMPLOYEES

Emailed: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 2-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

See Text on Page 376 of 2017 Journal

LOCAL LAW
INTRODUCTORY NO. 13-17
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

Emailed: 12/8/17

Adopted by Legislature: 12/20/17

Public Hearing by County Executive: 1/4/2018

Adopted as Local Law 3-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/12/18

See Text on Page 376 of 2017 Journal

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NUMBER 1-18
CHAUTAUQUA COUNTY

A LOCAL LAW TO AMEND THE SUSTAINABLE ENERGY LOAN PROGRAM IN THE
COUNTY OF CHAUTAUQUA

Emailed: 2/16/18

Adopted by Legislature: 2/28/18

R/C Vote: 18 Yes; 1 Absent

Public Hearing by County Executive: 3/19/18

Adopted as Local Law 4-18

Date State Filed: 3/22/18

See Text on Page 45

LOCAL LAW
INTRODUCTORY NO. 2-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(RE: DEPUTY COUNTY EXECUTIVE FOR ECONOMIC DEVELOPMENT and
DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT)

Emailed: 3/16/18

Adopted by Legislature: 3/28/18 (Print 2)

R/C Vote: 17 Yes; 2 Absent

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 5-18

Date State Filed: 4/13/18

See Text on Page 59

LOCAL LAW
INTRODUCTORY NUMBER 3-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
(Re: Promulgate of Administrative Code)

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

R/C Vote: 17 Yes; 2 Absent

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 6-18

Date State Filed: 4/13/18

See Text on Page 60

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NO. 4-18
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION OF AN ANIMAL ABUSE
REGISTRY

Emailed: 3/16/18

Tabled by Legislature: 3/28/18

Adopted by Legislature: 4/25/18 (Print 2)

R/C Vote: 19 Yes

Public Hearing by County Executive: 5/14/18

Adopted as Local Law 9-18

Date State Filed: 5/16/18

See Text on Page 60 & 67

LOCAL LAW
INTRODUCTORY NO. 5-18
CHAUTAUQUA COUNTY

A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON
CHAUTAUQUA COUNTY A PUBLIC NUISANCE AND FURTHER ESTABLISHING A
COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED
IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 7-18

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 4/13/18

See Text on Page 63

LOCAL LAW
INTRODUCTORY NUMBER 6-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
(Re: Number of Coroners)

Letter of Necessity in Effect

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 8-18

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 4/13/18

See Text on Page 64

LOCAL LAWS

LOCAL LAW
INTRODUCTORY NUMBER 7-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER
(RE: Deletion of Coroner Appointments from Legislature)

Emailed: 4/13/18

Adopted by Legislature: 4/25/18

Public Hearing by County Executive: 5/14/18

Adopted as Local Law: 11-18

R/C Vote: 19 Yes

(60 Day Permissive Referendum)

Date State Filed: 7/19/18

See Text on Page 83

LOCAL LAW
INTRODUCTORY NUMBER 8-18

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT
SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
(RE: Chairman of North County Industrial Water District No. 1 and Chairman of North County
Industrial Sewer District No. 1)

Emailed: 5/11/18

Adopted by Legislature: 5/23/18

Public Hearing by County Executive: 6/18/18

Adopted as Local Law: 10-18

R/C Vote: 16 Yes; 3 Absent

Date State Filed: 6/11/18

See Text on Page 98

LOCAL LAW
INTRODUCTORY NUMBER 9-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 6-01 REGARDING BUDGET PROCEDURES
AFTER ISSUANCE OF ANNUAL TENTATIVE BUDGET

Emailed: 11/5/18

Adopted by Legislature: 11/28/18

Public Hearing by County Executive: 12/17/18

Adopted as LL 12-18

R/C Vote: 17 Yes; 2 Absent

Date State Filed: 12/27/18

See Text on Page 201

JOURNAL OF PROCEEDINGS

Chautauqua County Legislature
Organizational Meeting
Monday, January 2, 2018, 4:00 p.m.
Legislative Chambers, Mayville, New York

Clerk Tampio called the Organizational Meeting to order at 4:04 p.m. and announced a quorum present. (Absent: Gould, Rankin, Vanstrom)

Legislator Muldowney delivered the prayer followed by the Pledge of Allegiance.

Swearing in New Legislators
By
Judge Stephen Cass

Nominations, Second and Roll Call Vote for Chairman of the Legislature

Clerk Tampio: We will now accept nominations for Chairman of the Legislature.

Legislator Chagnon: Madam Clerk, it's my honor and my distinct pleasure to nominate PJ Wendel.

Clerk Tampio: Is there a second?

Legislator Nazzaro: Yes, in the spirit of bipartisan cooperation, I will second the nomination of Paul M. Wendel, Jr. otherwise known as PJ Wendel.

Clerk Tampio: Are there any other nominations? Are there any other nominations? Hearing none, can we have a motion to close the nominations?

Legislator Bankoski: I so move.

Legislator Whitford: Second.

Unanimously Carried

Clerk Tampio: The nominee is Paul M. Wendel. When I call your name, please state the name of your vote this evening.

16 – Paul M. Wendel
3 – Absent

Clerk Tampio: Having received 16 votes with 3 absent, the Chairman of the Legislature for 2018 is Paul M. Wendel. Please come forward. (*Applause*)

ACCEPTANCE SPEECH BY CHAIRMAN

Chairman Wendel: Briefly I would just like to thank everybody for their support. As I said before and as I continue to say, I think the success of Chautauqua County Legislature and Chautauqua County government has been by bipartisan efforts. The ability for those of us that are here to do the business of Chautauqua County, to do it in the manner that doesn't reflect politics, doesn't reflect individual ambitions or party agendas. We move forward for the people of Chautauqua County and do it in the right way. I'm excited now, with our new County Executive, Mr. Borrello, I appreciate – again, I want to thank Mr. Himelein our previous Chairman and those who came before you. Like I told people before, sometimes it's like captaining a ship. I'm here as the Chairman and the ship is Chautauqua County government and there has been many before me and there will be many after me. I just hope to do my job and do my best to represent the people of Chautauqua County and work with this fine body. We need to keep up the good work and again, eager and excited for what the future brings for Chautauqua County, thank you. (*Applause*)

Now we do have one order of business. I would ask for a recess for the Republican caucus to meet in room 331.

Legislator Chagnon: I would make that motion.

Legislator Odell: Second.

Unanimously Carried (4:12 p.m.)

Chairman Wendel: I would like to call the meeting back to order (*4:18 p.m.*) We will now go to the 1st privilege of the floor.

1st Privilege of the Floor

No one chose to speak at this time.

REGULAR SESSIONS

(REPUBLICAN) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Republican party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2018 the POST JOURNAL as the Republican newspaper to publish the concurrent resolutions, election notices and official canvases, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Wendel, Himelein, Hemmer, Rankin, Niebel, Gould, Davis, Scudder, Odell, Wilfong, Pavlock, Chagnon, Muldowney

(DEMOCRATIC) DESIGNATE NEWSPAPER

We, the undersigned members of the Chautauqua County Legislature, and representing the Democratic party, one of the two principal parties into which the people of Chautauqua County are divided, do hereby designate for the year 2018 the OBSERVER as the Democratic newspaper to publish the concurrent resolutions, election notices and official canvases, all pursuant to Section 214, paragraph 1, of the County Law.

Signed: Nazzaro, Bankoski, Whitford, Starks, O'Connell

APPOINTMENT OF MAJORITY LEADER AND ASSISTANT

Clerk Tampio: Mr. Himelein has withdrawn his name as Majority Leader and a new form has been submitted to the Clerk. I will read that.

We, the undersigned being the Republican members of the Chautauqua County Legislature hereby designate Legislator Pierre Chagnon as the Leader of the Chautauqua County Legislature for the year 2018 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Lisa Vanstrom

Signed: Wendel, Odell, Niebel, Hemmer, Pavlock, Wilfong, Davis, Muldowney, Chagnon, Scudder

APPOINTMENT OF MINORITY LEADER AND ASSISTANT

We, the undersigned being the Democratic members of the Chautauqua County Legislature hereby designate Legislator Chuck Nazzaro as the Leader of the Chautauqua County Legislature for the year 2018 in accordance with Local Law No. 6-1969 adopted on the 2nd day of January 1970. And appoint, as the Assistant Leader, Legislator Robert K. Bankoski

Signed: Nazzaro, Bankoski, Starks, Whitford, O'Connell

RES. NO. 1-18
Appointing Clerk of the Legislature

At the Request of Chairman David Himelein:

WHEREAS, pursuant to Resolution 179-14, the hours of the Clerk of the County Legislature were expanded to perform the duties of the Financial Analyst; and

WHEREAS, pursuant to Resolution 259-16, the hours of the Clerk of the County Legislature were expanded to perform additional duties as required by the Legislature due to the vacancy in the Legislature's committee secretary position; and

WHEREAS, it would be advantageous to continue having the Clerk perform the duties of the Financial Analyst and committee secretary in 2018; therefore be it

RESOLVED, That Katherine K. Tampio, 39 Hanover Street, Silver Creek, New York, is hereby appointed Clerk of the Chautauqua County Legislature effective January 1, 2018, to serve at the pleasure of the Chairman of the Legislature at an annual salary of \$39,845 for 100% time.

Signed: Wendel, Chagnon, Pavlock, Wilfong, Rankin, Odell, Scudder, Davis, Gould, Niebel, Hemmer, Himelein, Muldowney, Starks, Whitford, Bankoski, Nazzaro, Vanstrom, O'Connell

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - January 2, 2018

RES. NO. 2-18
Appointing Deputy Clerk/Secretary to the Legislature

At the Request of Legislators:

RESOLVED, That Lori J. Foster, 6228 Ellicott Rd, Brocton, New York be, and hereby is appointed Secretary to the Chautauqua County Legislature for the year 2018 at a salary of \$ 21.76 per hour; and be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That in addition to Secretary to the Legislature, Lori J. Foster be, and hereby is, appointed Deputy Clerk for the Chautauqua County Legislature for the year 2018, and shall be additionally compensated for her duties as Deputy Clerk at an annual salary of \$4,000, effective January 1, 2018.

Signed: Wendel, Chagnon, Pavlock, Wilfong, Rankin, Odell, Scudder, Davis, Gould, Niebel, Hemmer, Himelein, Muldowney, Starks, Whitford, Bankoski, Nazzaro, Vanstrom, O'Connell

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - January 2, 2018

RES. NO. 3-18
Confirm Appointment – Public Defender

Legislature Chairman David Himelein:

RESOLVED, That Nathaniel L. Barone, II, 600-3 Baker St. Ext., Jamestown, New York, be and hereby is appointed Public Defender of Chautauqua County for two (2) years effective January 1, 2018, to be compensated as follows:

2018 – Annual base salary of \$78,795.00 for 100% time, with an additional salary supplement of \$41,374.00 to the extent of available grant funds received from the New York State Office of Indigent Legal Services (OILS) pursuant to Resolution 83-17.

2019 – Annual base salary of \$80,371.00 for 100% time, with an additional salary supplement subject to confirmation by the County Legislature to the extent of available grant funds received from OILS or another source.

Signed: Himelein

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - January 2, 2018

RES. NO. 4-18
Designation of Official Newspapers – 2018

At the Request of Chairman David Himelein:

RESOLVED, That the Post Journal, 15 West Second Street, Jamestown, NY and the Observer, 10 East Second Street, Dunkirk, NY be and hereby are designated, pursuant to Section 214, paragraph 2 of the County Law, to be the official newspapers of Chautauqua County during the year 2018 for the publication of all local laws, notices, and other matters required by law to be published.

Signed: Himelein

Unanimously Adopted - January 2, 2018

RES. NO. 5-18
Delegate Authority to Chairman of Legislature to Correct Errors on Tax Rolls and to Provide Refunds and Credits of Taxes Pursuant to Section 554 and 556 of the Real Property Tax Law

At the Request of Chairman David Himelein:

WHEREAS, Sections 554 and 556 of the Real Property Tax Law authorize a tax levying body to delegate its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and

WHEREAS, such delegation would only apply when the County's Director of Real Property Tax Services has investigated an application for correction, refund, or credit and recommended approval based upon that investigation; and

WHEREAS, the delegation of authority would afford the taxpayers of Chautauqua County a mechanism for prompt approval of such applications for correction, refund, or credit; now therefore be it

RESOLVED, That pursuant to Sections 554 and 556 of the Real Property Tax Law, the County Legislature hereby delegates to the Chairman of the Legislature its authority to correct errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less; and be it further

RESOLVED, That pursuant to the delegation of authority granted herein, the Chairman of the Legislature is hereby empowered to authorize such correction of errors on tax rolls and to provide refunds and credits of taxes where the recommended correction, refund, or credit is Twenty Five Hundred Dollars (\$2,500.00) or less, without prior audit by the County Legislature; and be it further

RESOLVED, That this resolution will be in effect from this date until December 31, 2018.

Signed: Himelein

Unanimously Adopted – January 2, 2018

REGULAR SESSIONS

RES. NO. 6-18
Confirm Appointment - Acting County Executive

By Chairman Paul M. Wendel, Jr.:

WHEREAS, pursuant to Section 3.04 of the Chautauqua County Charter, County Executive George Borrello has submitted the appointment of County Attorney Stephen Abdella to the position of Acting County Executive; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the position of Acting County Executive as follows:

Effective January 1, 2018
Stephen Abdella
276 Kiantone Road
Jamestown, NY 14701
(Town of Kiantone)

Unanimously Adopted – January 2, 2018

2nd Privilege of the Floor

George Borrello, Irving, N.Y. Wow, it's really weird standing up here. I just want to say, first of all, what a pleasure it has been to serve in this Legislature for 8 years and now look forward to working with each and every one of you as the new County Executive and thank you very much and Happy New Year.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing none, we'll close the 2nd privilege.

MOVED by Legislator Nazzaro: SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (4:23 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, January 24, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Gould, Pavlock, Vanstrom)

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, the minutes were approved. (1/2/18)

1st Privilege of the Floor

(Due to recorder not recording a summary of what transpired)

Three individuals, Mark Twitchell, Karen, Harvey, and Karie Jurczak all started speaking to the Arkwright Wind Project which prompted Chairman Wendel to stop discussion as it did not pertain to any items on the agenda and pointed out that the 2nd privilege of the floor is where this subject should be voiced.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 1/2/18

COMMENDATION:

SHERMAN CENTRAL SCHOOL BUS DRIVER
DAVID TENPAS
By
LEGISLATORS STARKS & HIMELEIN

COMMUNICATIONS:

1. Letters (11) – Co. Exec. Borrello – Appmts. To Various Boards
2. Letter – Farm Bureau - Apptmt. Recommendation to Soil & Water Bd.
3. Letter – Co. Exec. Borrello – Designation of Acting Co. Executive
4. Report – Fn. Director Crow – November/2017 Investment Report
5. Notice of SEQRA: Lead Agency Designation – Town of Ellery – Re: Chaut. Lake Herbicide Treatment
6. Resolution – Orange County Legislature – Exempt County Tuition Chargeback Obligations for the Fashion Institute of Technology
7. Letter – Senator Young – Re: Thanking for meeting minutes throughout 2017
8. Letter – NYSAC – Re: Ack. Receipt of Motion 8-17

MOTION: (On file w/ Legislature data)
1-18 Proclaiming February Black History Month – *Unanimously Carried*

RES. NO. 7-18
Confirm Re-Appointments – Chautauqua County Airport Commission

By Public Facilities Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Airport Commission.

Legislator John Hemmer 7539 E. Rt. 20 Westfield, N.Y. 14787 Term Expires: 12/31/19	Legislator Mark Odell 90 Old Mill Rd. Brocton, N.Y. 14716 Term Expires: 12/31/19
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Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 24, 2018

REGULAR SESSIONS

RES. NO. 8-18

Confirm Re-Appointments – New York Fish & Wildlife Management Board

By Public Facilities Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the New York State Fish and Wildlife Management Board.

Zenon Olow
23 Bennett Drive
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Legislator Christine Starks
100 Central Ave.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 24, 2018

RES. NO. 9-18

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

By Public Facilities Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Soil and Water Conservation District Board.

Fred Croscut
7804 Freeman Rd.
Sherman, N.Y. 14781
Term Expires: 12/31/20

Allen Peterson
3030 Strunk Road
Jamestown, N.Y. 14701
Term Expires: 12/31/20

Legislator Frank J. Gould
70 Hoag Road
Ashville, N.Y. 14710
Term Expires: 12/31/18

Legislator Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/18

Signed: Hemmer, Nazzaro, Scudder, Wilfong

Unanimously Adopted – January 24, 2018

RES. NO. 10-18

Confirm Re-Appointments - Chautauqua County Ethics Board

By Administrative Services Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Ethics Board.

Susan Crossett Dilks
8320 Shumla Rd.
Cassadaga, N.Y. 14718
Term Expires: 1/31/21

John B. Lloyd
4 Houston Court
Jamestown, N.Y. 14701
Term Expires: 1/31/21

Signed: Scudder, Himelein, Davis, Starks, Muldowney

Unanimously Adopted – January 24, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 11-18

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

By Administrative Services Committee:
At the Request of County Executive George M. Borrello:

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

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

Traci Langworthy 51 Pleasantview Dr. Jamestown, N.Y. 14701 Term Expires: 12/31/20	Amanda Shepp 3759 Bard Rd. Cassadaga, N.Y. 14718 Term Expires: 12/31/20
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Signed: Scudder, Himelein, Davis, Starks, Muldowney

Unanimously Adopted – January 24, 2018

RES. NO. 12-18

Confirm Re-Appointment - Chautauqua County Traffic Safety Board

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

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

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

Legislator Lisa Vanstrom
55 Plummer Ave.
Jamestown, N.Y. 14701
Term Expires: 7/31/20

Signed: Niebel, Whitford

Unanimously Adopted – January 24, 2018

RES. NO. 13 -18

Confirm Appointment and Re-Appointment – STOP DWI Advisory Board

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

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointment to the STOP-DWI Advisory Board:

<u>Re-Appointment</u> Legislator Elisabeth Rankin 4 Arlington Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/19	<u>New Appointment</u> Legislator Terry Niebel 3199 E. Main Rd. Dunkirk, N.Y. 14048 Term Expires: 12/31/19	Replacing George Borrello
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Signed: Whitford

MOVED by Legislator Chagnon, SECONDED by Legislator Bankoski to remove Legislator Terry Niebel and replace with Legislator Lisa Vanstrom – *Unanimously Carried*

Unanimously Adopted – as amended - January 24, 2018

REGULAR SESSIONS

RES. NO. 14-18

Confirm Re-Appointments - Chautauqua County Fire Advisory Board

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

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

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

1st Battalion

Lawrence Barter
9 Pine Drive
Fredonia, NY 14063
Term Expires: 1/31/19

Jeffrey Griewisch
26 Burgess Street
Silver Creek, NY 14136
Term Expires: 01/31/19

Steve Lehnen
9791 Route 60
Fredonia, NY 14063
Term Expires: 1/31/19

Allen Parker
8562 Shumla Road
Cassadaga, NY 14718
Term Expires: 01/31/19

Brian Purol
3681 New Road
Dunkirk, NY 14048
Term Expires: 01/31/19

Christopher Wichlacz
3381 Tarbox Road
Cassadaga, NY 14718
Term Expires: 1/31/19

2nd Battalion

Al Akin
5984 Manor Drive
Chautauqua, NY 14722
Term Expires: 1/31/19

Lyle Holland
47 Clinton Street
Westfield, NY 14787
Term Expires: 1/31/19

Matthew Oehlbeck
159 Park Street
Sherman, NY 14781
Term Expires: 1/31/19

Mark Smith
9437 E. Main Road
Ripley, NY 14775
Term Expires: 1/31/19

Ronald Trippy
6755 S. Portage Road
Westfield, NY 14787
Term Expires: 1/31/19

Burl Swanson
6168 Wright Road
Dewittville, NY 14728
Term Expires: 1/31/19

Signed: Niebel, Whitford

Unanimously Adopted – January 24, 2018

RES. NO. 15-18

Confirm Re-Appointments - Chautauqua County Aging Advisory Council

By Human Services Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Aging Advisory Council.

Ellen Coffaro
92 W. Fairmount Ave.
Lakewood, N.Y. 14750
Term Expires: 12/31/19

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

Russell E. Diethrick Jr.
153 Hallock Street
Jamestown, N.Y. 14701
Term Expires: 12/31/19

Dan Girts
4911 Baker St. Ext. Lot 24
Ashville, N.Y. 14710
Term Expires: 12/31/19

Mary Anne Johnston
3784 Victoria Rd.
Ashville, N.Y. 14710
Term Expires: 12/31/19

David L. Larson, PhD.
3101 Straight Rd.
Fredonia, N.Y. 14063
Term Expires: 12/31/19

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<p>Max Martin PO Box 371 Dewittville, N.Y. 14728 Term Expires: 12/31/19</p>	<p>Elizabeth Turzillo 6 Alpine Dr. Silver Creek, N.Y. 14136 Term Expires: 12/31/19</p>
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Signed: Rankin, Whitford, Pavlock, Wilfong O'Connell

Unanimously Adopted – January 24, 2018

RES. NO. 16-18
Confirm Appointment - Chautauqua County Youth Board

By Human Services Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointments to the Chautauqua County Youth Board.

<p>Jacob Brock 54 S Allegheny Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/20</p>	<p>Diane Miraglia 4066 Baker St. Lakewood, N.Y. 14750 Term Expires: 12/31/20</p>
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Signed: Rankin, Whitford, Pavlock, Wilfong, O'Connell

Unanimously Adopted – January 24, 2018

RES. NO. 17-18
Confirm Appointments & Re-Appointment – Southern Tier West Regional Planning & Development Board

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, County Executive George W. Borrello has submitted the following appointments and re-appointment for action by the Chautauqua County Legislature, therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointments and re-appointment to the Southern Tier West Regional Planning Board.

<p>George M. Borrello 1014 South Shore Dr. Irving, N.Y. 14081 Term Expires: 12/31/20</p>	<p>Replacing Vincent W. Horrigan</p>
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<p>Don McCord 116 S. Portage St. Westfield, N.Y. 14787 Term Expires: 12/31/20</p>	<p>Replacing Kevin Sanvidge</p>
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Re-Appointment
Legislator Frank J. Gould
70 Hoag Road
Asheville, N.Y. 14710
Term Expires: 12/31/20

Signed: Odell, Chagnon, Himelein, Starks, O'Connell

Unanimously Adopted – January 24, 2018

REGULAR SESSIONS

RES. NO. 18-18

Confirm Re-Appointments - Chautauqua County Sports Fishery Advisory Board

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

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

Michael Cluchey 79 Jefferson St. Westfield, N.Y. 14787 Term Expires: 12/31/17	Monte Kennedy 5154 Bly Hill Rd. Ashville, N.Y. 14710 Term Expires: 12/31/17	Zenon Olow 23 Bennett Dr. Fredonia, N.Y. 14063 Term Expires: 12/31/17
Eugene Pauszek 66 W. Doughty St. Dunkirk, N.Y. 14048 Term Expires: 12/31/17	Charles Spiesman 73 Chautauqua Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/17	James Tunney 1086 West Erie St. Irving, N.Y. 14081 Term Expires: 12/31/17

Signed: Odell, Chagnon, Himelein, Starks, O'Connell

Unanimously Adopted – January 24, 2018

RES. NO. 19-18

Amend Personal Services & Employee Benefit Appropriation Accounts – Environmental Landfill

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some expenses within the landfill organization have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.6000.1	Personal Services-Environment—Closed Landfills	\$15,250
EL.8160.6000.8	Employee Benefits- Environment—Closed Landfills	<u>\$ 7,600</u>
	Total	\$22,850

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.1	Personal Services-Environment—Landfill	\$15,250
EL.8160.1000.8	Employee Benefits- Environment—Landfill	<u>\$ 7,600</u>
	Total	\$22,850

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

Unanimously Adopted – January 24, 2018

RES. NO. 20-18

Close Capital Projects

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the following capital projects have been completed and can be closed:

H.2490.00862	Community College Tuition—JCC Carnahan Ctr Renova (2011)
H.2490.550	Community College Tuition—JCC Capital (1996)
H.2490.688	Community College Tuition—JCC Science Bldg Constrct (2009)
H.3110.06759	Sheriff—County-Wide Radio Project
H.3110.06964	Sheriff—Prop & Evid Rm/Proc Lab (2016)
H.3110.06966	Sheriff—Next Generation 911 Sys (2015)
H.3150.06894	Jail—Jail Maintenance (2013)
H.1620.25820	Buildings & Grounds—SCOB Cooling Tower (2015)
H.1620.25926	Buildings & Grounds—SCOB Lighting (2014)
H.5130.25811	Road Machinery—Mobile Data Collect Syst (2010)
H.5610.25671	Chautauqua County Airport—Acquire Snow Rem Eqp-DNK (2015)

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H.8020.37913 Planning—Harris Hill Bike Trail (2014)
 H.3010.14960 Emergency Services—Station Seven Improvements (2017)
 ; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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

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

Unanimously Adopted – January 24, 2018

RES. NO. 21-18
 Confirming User Charges: Portland-Pomfret-Dunkirk Sewer District

By Public Facilities and Audit & Control Committees:
 At the Request of County Executive George M. Borrello:

WHEREAS, the Board of Directors of the Portland Pomfret Dunkirk Sewer District, the Administrative Body of the Portland Pomfret Dunkirk Sewer District, has, pursuant to Section 266 of the County Law, and after a Public Hearing held on December 12, 2017, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the Portland Pomfret Dunkirk Sewer District; and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective; therefore be it

RESOLVED, That the *Charges by the Portland Pomfret Dunkirk Sewer District* adopted by the Board of Directors of the Portland Pomfret Dunkirk Sewer District as the Administrative Body of such Sewer District and filed with the Clerk of the County Legislature, are hereby confirmed as follows:

CHARGES BY THE PORTLAND POMFRET DUNKIRK SEWER DISTRICT

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers.

SECTION II

Definitions

As used herein, the following terms shall mean and include:

A. *District*: The Portland Pomfret Dunkirk Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.

B. *Administrative Head*: The Administrative Head or body of the Portland Pomfret Dunkirk Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. *User*: The assessed owner of a parcel of property within the District connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III

Charge Areas

Real property within the District shall be classified as follows for the purpose of making charges hereunder.

A. Property served by a collector sewer to which

1. Sewer service from the sewer system of the Van Buren Point Association, Inc. was available prior to 1984.
2. Sewer service from the sewer system formerly owned by the Shore Acres Association, Inc. was available prior to 1984.

B. Property served by a collector sewer which was constructed by the District.

SECTION IV

Units Per Parcel

The number of units attributable to each parcel of property served by public sewers within the District shall be determined as follows:

REGULAR SESSIONS

- A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries, shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.
- C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.
- D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 12,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill. At the request of the property owner, the actual wastewater may be measured and substituted for metered water use for the purpose of determining the number of units under this paragraph, by a wastewater flow meter installed at the point of discharge into the District's sewer line which is suitable for the measurement of sewage flows and which is approved by the District; said sewage flow meter shall be installed and maintained by the District which shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.
- E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxicity as to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to ensure a proportional distribution of operation and maintenance cost to each user or user class. At a minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 1-03, effective February 7, 2003, to justify increasing a unit allocation.

SECTION V

Scale of Charges

Pursuant to Section 266 of the County Law, the following scale of charges is established for the collection, conveyance, treatment and disposal of sewage being the sum of Subparagraphs A and B hereunder:

A.	CHARGE AREA	ANNUAL RATES PER UNIT
	A1	\$ 440.00
	A2	440.00
	B	400.00

B. \$0.0120 per gallon (or \$12.00 per thousand gallons) of actual or estimated water use. Actual or estimated water use shall be determined under the same criteria as is stated in Section IV D hereof.

SECTION VI

Billing

- A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers within the District under Section 266 of the County Law by adding the following two items:
1. The number of units attributable to each parcel of property under Section IV hereof multiplied by the charge per unit set forth in Section V A hereof for the charge area within which such property is located in accordance with Section III hereof divided by four (4).
 2. The actual or estimated water use of such parcel in gallons multiplied by \$0.0120 determined in accordance with Section V B hereof.

and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of November, February, May or August for the amount fixed hereunder for the quarter ending the last day of the preceding month which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

SECTION VII

Appeals

In accordance with Section 266 of the County Law and Resolution 235-03 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within sixty (60) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the Portland Pomfret Dunkirk Sewer

JOURNAL OF PROCEEDINGS

District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent. Where the appeal arises from (1) a clerical error because of a mistake in transcription, (2) a mathematical error in the computation of the charge, or (3) an error in essential fact in unit designation where there is no factual basis at all for the unit designation made, the time period for making such appeal shall be extended to within three (3) years of the date of mailing of the bill.

B. Within sixty (60) days of the receipt of the appeal, the Board of Directors of the Portland Pomfret Dunkirk Sewer District shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board of Directors shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature by Certified Mail, Return Receipt Requested showing the party to whom delivery was made addressed to Chairman, Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and to respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his/her discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board of Directors by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the District Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and resubmittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all respects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty, without interest, as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the Portland Pomfret Dunkirk Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his or her appeal.

SECTION VIII

Severability

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION IX

Effective Date and Repealer

These user charges shall be effective February 1, 2018. The user charges confirmed by Resolution 54-13 of the Chautauqua County Legislature shall be repealed prospectively as of midnight on January 31, 2018.

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

Unanimously Adopted – January 24, 2018

RES. NO. 22-18

Continuation of Interim Funding for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

WHEREAS, pursuant to Resolution 175-16, the County Legislature authorized the advance on an "as needed" basis up to \$1 million to the District to be repaid to the County on or before December 31, 2017 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

REGULAR SESSIONS

WHEREAS, it is necessary for the District to extend the interim funding from the County through 2018 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 \$1 million 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 earning rate during the term of the advances.

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

Unanimously Adopted – January 24, 2018

RES. NO. 23-18

Authorize Supplement Agreement No. 2 with NYSDOT for PIN 5758.45

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, a project for the Replacement of the County Route 18 Bridge over Prendergast Creek, in the Town of North Harmony, Chautauqua County, PIN 5758.45 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals and Acquisition phases of the Project PIN 5758.45; now therefore be it

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

RESOLVED, That in the event the amount required to pay 100% of the full Federal and Non-Federal shares of the cost of the Project's Preliminary Engineering (Design I-VI) and Right-of-Way Incidentals and Acquisition phases exceeds the amount appropriated, \$204,350, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and reimbursement requests for Federal Aid and/or NY State Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid and State Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That the sum of \$10,650.00 is hereby removed from funds previously appropriated via County Resolution Number 87-12 adopted April 25, 2012 and made available to cover the cost of participation in the Preliminary Engineering (Design I-VI) and Right of Way Incidentals and Acquisition phases of the Project; and it is further

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

DECREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4	Contractual - County Bridge Program	\$ 10,650
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DECREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid--Surface Transp Program	\$ 8,520
D.5112.390.R358.9003	NYS Aid—Marchiselli Funds	\$ 1,348
D.5112.390.R503.1000	Interfund Transfers—Interfund Transfer	\$ 782
	Total	\$ 10,650

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

Unanimously Adopted – January 24, 2018

RES. NO. 24-18

Amend 2017 Budget for Juvenile Detention and OCFS Custody

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature allocated certain monies for Juvenile Detention and for State Training School in the 2017 Budget; and

JOURNAL OF PROCEEDINGS

WHEREAS, several juveniles in OCFS custody stepped down to housing at voluntary agency facilities rather than at OCFS facilities during 2017; now therefore be it

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

DECREASE APPROPRIATION ACCOUNT:

A.6129.----.4	Contractual-State Training School	\$125,000
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INCREASE APPROPRIATION ACCOUNT:

A.6123.----.4	Contractual-Juvenile Delinquent Care	\$125,000
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Signed: Rankin, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Niebel

Unanimously Adopted – January 24, 2018

RES. NO. 25-18

Amend 2018 Budget for New York State Community Development Block Grant Wells and Septic Replacement Program Application Not Selected for Funding

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County's application for renewal of its New York State Community Development Block Grant Wells and Septic Replacement Program has not been selected for funding by the New York State Housing Trust Fund Corporation's Office of Community Renewal; and

WHEREAS, the Health and Human Services Department's 2018 budget was prepared with the expectation that this funding would be approved; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

DECREASE APPROPRIATION ACCOUNT:

A.4090.----.4	Contractual-Environmental Health	\$100,000
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DECREASE REVENUE ACCOUNT:

A.4090.R478.9WSA	Federal Aid – Wastewater & Well Assist	\$100,000
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Signed: Rankin, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Niebel

Unanimously Adopted – January 24, 2018

RES. NO. 26-18

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

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

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

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

WHEREAS, County is desirous of extending the lease agreement for an additional year upon the following terms and conditions; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an extension of a lease agreement with Chautauqua County Industrial Development Agency for office space in the BWB Center on substantially the following terms and conditions:

1. Premises: 1,500 square feet on the first floor of the BWB Center, 201 West Third Street, Jamestown, New York.
2. Rent: At \$6.58 a square foot, an annual sum not to exceed \$9,867.96 to be paid monthly at a rate of \$822.33 per month beginning in January of 2018.
3. Utilities: Landlord to pay utilities.
4. Term: Twelve months commencing on January 1, 2018 and terminating December 31, 2018 subject to termination by prior notice.
5. Other: As negotiated by County Executive.

REGULAR SESSIONS

Signed: Odell, Niebel, Himelein, Chagnon, Starks, O'Connell, Nazzaro

Unanimously Adopted – January 24, 2018

RES. NO. 27-18

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

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

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

WHEREAS, the County of Chautauqua Industrial Development Agency ("CCIDA") and the Chautauqua County Department of Planning & Economic Development ("CCPED") are working to create secondary tourism attractions and attract tourism-related businesses to take advantage of the County's wealth of natural assets; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the County of Chautauqua Industrial Development Agency in the amount of \$50,000.00 to provide service which will help grow existing tourism-related businesses and attract new tourism-related businesses to the County.

Signed: Odell, Niebel, Himelein, Chagnon, Starks, O'Connell, Nazzaro

Unanimously Adopted – January 24, 2018

RES. NO. 28-18

Authorize Agreement with the County of Chautauqua Industrial Development Agency for Industrial Development and Promotion

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua Industrial Development Agency was formed pursuant to Section 895-h of the New York State General Municipal Law to promote, develop, encourage, and assist in economic development throughout Chautauqua County; and

WHEREAS, pursuant to Article 6 and Section 6.01 of the Chautauqua County Administrative Code, the County of Chautauqua Department of Planning & Economic Development is responsible for originating programs and activities to improve the economy of Chautauqua County by stimulating job retention, job creation and growth, and capital improvements, as well as seeking funds to be used for development and working with private interests and public agencies of all types; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose for the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency for industrial development and promotion in the amount of \$145,952.00.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

Unanimously Adopted – January 24, 2018

RES. NO. 29-18

Authorize Agreement with the County of Chautauqua Industrial Development Agency for the Business Assistance Program

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Industrial Development Agency has the expertise and knowledge to conduct a Business Assistance Program and has operated such program to, among other things, develop business sites and properties as well as identify and catalog critical business information and establish, enhance, and share a business profile database; and

WHEREAS, the County of Chautauqua desires to assist the Chautauqua County Industrial Development Agency in this endeavor to encourage the development of new businesses in the area as well as the expansion of existing local businesses and industries; and

WHEREAS, the Chautauqua County Legislature has appropriated funds for such purpose in its annual budget; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive is hereby authorized to enter into an agreement with the County of Chautauqua Industrial Development Agency to provide funding for the Business Assistance Program for the current fiscal year in the amount of \$59,155.00.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

Unanimously Adopted – January 24, 2018

RES. NO. 30-18

Authorize Agreement with Small Business Development Center at Jamestown Community College

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County Department of Planning and Economic Development is striving to increase the viability of businesses within the County by providing a technical assistance program for start-up businesses in the County which will track and assist businesses in their early stages of development; and

WHEREAS, Jamestown Community College has established a Small Business Development Center at its Jamestown Campus in cooperation with the State University of New York which is able to provide a technical assistance program; and

WHEREAS, the Chautauqua County Legislature has appropriated funds in the County Budget for such services during the current fiscal year; therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement with the Small Business Development Center for technical assistance in the amount of \$34,653.00 for the term commencing as of January 1, 2018 through December 31, 2018.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Niebel

Unanimously Adopted – January 24, 2018

RES. NO. 31-18

Setting Salary for Network Infrastructure Supervisor

Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County's Chief Information Officer has requested that a salary grade be designated for a new technical supervisory level position with the title of Network Infrastructure Supervisor with the following responsibilities:

1. maintain and advance the countywide network and communications infrastructure;
2. act as lead technical advisor in all projects related to network development and support; lead the investigation of network outages and direct resolutions;
3. develop and maintain cyber-security solutions for all county network connected devices;
4. investigate cyber threats or data breaches; and
5. ensure compliance with policies for network access and use; and

WHEREAS, the Human Resources Department has classified the job as Network Infrastructure Supervisor and supports the request that the salary be set at Grade 23; therefore be it

RESOLVED, That the title of Network Infrastructure Supervisor be added to the Chautauqua County CSEA Unit 6300 Salary Plan at Grade 23.

Grade 23 (2018: \$26.94 - \$34.74) 40 hours per week (\$56,035 - \$72,259 per year)

Signed: Scudder, Himelein, Davis, Starks, Muldowney, Chagnon, Nazzaro, Niebel

Unanimously Adopted – R/C Vote: 16 Yes; 3 Absent - January 24, 2018

2nd Privilege of the Floor

My name is John Conway and I live in Sinclairville in the Town of Charlotte where they are supposed to be erecting 500-600 foot industrial turbines with 1-3 of them on my neighbor's property next door to me within in the next year or so. I'm not going to talk about the health issues, taxes or how fraudulent these wind turbines are, you as our elected County officials should know this by now. What I'm going to talk about is economic and environmental impact on the County, townships and most importantly, the residents. I am very angry and upset about how this project has been handled with total disregard of its tax paying residents. We never received anything in the mail saying that there would be a formal vote or discussion on these industrial wind turbines. A project of this size and impact to our communities should have been voted upon by every resident. This should be investigated by our elected County officials. Chautauqua County is providing \$50,000 to promote tourism in the County that is going to lose 40,000 acres of land and clear cut forests. Displacing hundreds of animals and destroying our beautiful hilltop views, peace and serenity. Who in their right mind would want to come here to camp, hunt, fish, hike, ski or snowmobile

with the blight of 88, 500-600 foot industrial wind turbines, miles of 90 foot power poles, power lines scattered throughout our once peaceful beautiful Chautauqua County hills. I'm all in favor of investing money in Chautauqua County to promote tourism and industry but what our local governments are doing with the industrial wind project is not the right way to promote this County. This is not the direction or the future that we should be taking this County to. This is a negative for the County that will last for years. This is destroying and dividing a once peaceful community. We need leadership that is not so desperate to grasp at the first quick buck and put their residents first. Thank you for giving me the this time to speak.

I don't know if I should start over or where I left off but I guess I will start over. I'm Karie Jurszak. Again, I've resided or owned property in Arkwright, in Chautauqua County for the last 40 years. I have a serene 8 acre lot, with mostly forest and rolling hill views. I enjoy my lifestyle here because I value nature, the quiet and solitude of my surrounds as do many residents of this beautiful County.

Most tourists come to Chautauqua County to enjoy peace and tranquility of the country side and to engage in outside activity. Our tourism comes from hiking through our natural forest, cross country skiing, hunting and participating in wine tours, while enjoying the unadulterated landscape. Visitors also come here to bird watch, specifically our bald eagle population. Tourism also comes from people visiting their families. Unfortunately, I've already seen multiple homes in Arkwright put up for sale before the wind turbines have been completed. Wind turbines are incompatible with any of these kinds of tourism.

In July of 2017, YouGov, carried out a survey on behalf of a John Muir Trust that determined the likelihood of tourist returning to the areas of the countryside industrialized by turbines. 55% of those respondents were "less likely" to venture back in to those areas. Further YouGov survey results showed 80% of the respondents backed the proposition that "wild land areas" should receive protection from large scale infrastructure development.

Dr. Shawn Smallwood did a 2004 study that showed that California's Altamont pass wind farm killed 166 golden eagles annually. The study also estimated that Altamont killed an average of 300 red tail hawks, 333 American Kestrels, 380 burrowing owls, 2,526 rock doves and 2,557 western meadowlarks. In 2012 the Spanish Ornithological Society reviewed actual carcass counts and concluded that Spain's turbines are killing between 16-18 million birds and bats yearly. 40,000 acres of forest in Chautauqua County are being demolished, which is not preserving our nature resources. Not only are acres being decimated, the wood is then chipped and being left to rot. In conclusion, industrialized wind turbines are in contradiction to resolution 27-18, when our main attractions and natural resources are being destroyed. Thank you for your time.

Mark Twitchell from Fredonia. I'm here with the group, Preservation of Agricultural Land Serenity. My point in addressing the two resolutions relative to the funding of the IDA was to point out that as written, those resolutions did not specify what the money was to have been spent on and as a citizen reviewing the agenda prior to coming to a meeting, I would have appreciated a little more specificity. For example, if the \$50,000 to promote tourism was for the same agency that promoted the industrialization of Arkwright and resulted in a devalued amenities of County property containing a developed campsite with two lean-to's. The turbines are being installed as close as 800 feet from the lean-to's. The pending PILOT for Cassadaga Wind will have a similarly tourism dampening effect on the development of the Cockaigne Ski area which will be within 8 miles sights of all the projects' turbines, some within the soundscape as close as one mile. Please refer to the study by the University of North Carolina on tourism impact of off-shore visible wind factories. Eighty percent of the study participants have strongly negative responses; 54% would not rent cottages within any view of turbines, while 26% would not rent if turbines were closer than 12 miles. The IDA's promotion of the wind industry in Arkwright has already caused the loss of private values and environmental amenities even before the installation of the turbines. Other losses include the dollars not collected by full sales or property taxation and a deeply divided community resulting from irreparable industrial transformation of its real identity. The IDA's PILOT in Arkwright has enabled predatory wind leases which include loss of mineral rights for landowners that only adds to the millions of dollars net loss that the Town will suffer as a result of this project. The Legislature, our Legislature, should be proactive in its protection of our citizens and our environment. Please refer to the action of Oswego County in New York State Department of Public Service case 16-F-0713, the Mad River wind project. Here the Legislature of Oswego County asserts to the Department of Public Services Secretary Burgess and I quote, "Oswego County as a stake holder in the within proceeding." And I will repeat that. "Oswego County as a stake holder in the within proceeding." This County has prohibited its IDA from making PILOT arrangements for less than the full property tax value. The County has also listed environmental resources and has stipulated oversight on wind energy regulations impacting these. Chautauqua County citizens are far from finished with our concerns with wind developers as evidenced in the New York State Independent Systems Operators application referred to as Power Trends 2017. Our New York Independent Operator Systems zone 4 currently has 110 megawatts of installed wind capacity with a projected increase to 1,339 megawatts. This Legislature clearly has the opportunity and the obligation to protect the interest of our citizens. And in furtherance of the Legislature's understanding of what we feel could be a responsible action towards further wind development, I would like to present the Clerk of the Legislature with two documents. Number one is a copy of the Oswego County resolution setting the policy of the Legislature in regards to the abatement of real property and other taxation for other wind projects larger than 25 megawatts. The second document is a proposed resolution that would be appropriate for Chautauqua County using similar language in regards to the issue of tax abatement but also including a brief describing the rationale for managing the taxation issue as a County. So with your permission, I would like to approach the desk and give these to the Clerk.

Chairman Wendel: Certainly. Thank you. Anyone else to speak to the second privilege of the floor?

Karen Harvey, Mayville, New York regarding Resolution 27-18 and the resolution 28-18. Many of us assume the IDA provide encouragement to small, local businesses that employ local people. Through those tax breaks small businesses can build and help a community. That is a good thing. Any PILOT, payment in lieu of taxes, to wind turbine company company in this County would not be consistent with Resolution 27-18 which states "Chautauqua County is known for rural charm, nature amenities and vibrant tourism economy." I'm sure some of you remember NRG when it came to town. A few of you. Mr. Scudder, Mr. Nazzaro. It was the seventh largest energy producer in the world and it bought Niagara Mohawk electricity generating facility in Dunkirk in 1999. As soon as the purchase occurred, NRG applied for and received a PILOT agreement in spite of the fact that their records showed in the 3rd quarter of 2000, the revenues went up to \$1.47 billion, from \$280 million dollars. The profits were only a measly 25%. Clearly, NRG need some tax relief from the Dunkirk school district. NRG's 10 year tax abatement agreement resulted in a substantial loss of tax revenue to the County because Niagara Mohawk has been the largest tax payer in the County. The loss of tax revenue to the Town of Dunkirk itself was 40%. NRG went on to receive another 10 year PILOT and now 20 years later, they are closed. How much in taxes based on real value had they paid? The point, beware of outside (inaudible) large invasive corporations seeking tax breaks.

According to New York Independent Systems Operator, the Power Trends document, there are equal to the number of megawatts that Dr. Twitchell recorded, comes to a total of 600 wind turbines slated for this area. So according to my NYISO, there will be 600 wind

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turbines in this area, industrial, 500 foot wind turbines. When it comes to wind turbine companies, the easy money these large outside corporations can gravy into their bottom line is a PILOT agreement, a payment in lieu of taxes, from the IDA. If big wind is so profitable then they should be able to pay their fair share. Both Oswego County and Jefferson County have declined to allow PILOT agreements for big wind.

The Oswego Legislature transcript states, and I quote, "WHEREAS, wind energy projects, regardless of their capital investment, produce few permanent jobs for the local economy beyond their construction phase; result in little secondary expenditure in the local economy; do not produce a multiplier effect in the regional economy, and might well have a net negative effect on the economy of a host community." An Oswego Legislator went further on to describe the many subsidies that the State and Federal give to large wind companies and that brings those wind companies revenue to approximately 75%. When it comes to the IDA and it's allocations in this County, we have much better use for our resources than to fund PILOTS to large outside corporations that devastate our County with industrial wind factories. Thank you.

Chairman Wendel: Is there anyone else to speak to the 2nd privilege of the floor? Seeing no one, we'll close the 2nd privilege of the floor.

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro and duly carried the meeting was adjourned. (7:07 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, February 28, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Gould)

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

MOVED by Legislator Bankoski, SECONDED by Legislator Himelein, the minutes were approved. (12/20/17 & 1/24/18)

1st Privilege of the Floor

My name is Bob Ruther and I'm here to speak on Local Law 1-18. I have a prepared statement if you don't mind. I don't think that anyone can question the fact that there is money to be made through energy efficiency upgrades and improvements. The real question that everyone usually asks is where do we get the money to pay for this work? Throughout the country and here in our County, one answer is the PACE program. Energize New York finance is a means to finance energy efficiency and renewable energy upgrades in commercial or nonprofit properties, or multi-family units owned by a corporation. Energize New York finance leverages the property assessed clean energy structure to provide access to capital, extended loan terms, and other benefits. Once the finance parameters have been met, PACE can provide 100% of the needed funds. Examples of PACE finance projects include office buildings, hospitals, airports, hotels, churches, and recreational centers among others. Energy efficiency measures can include any renovation or retrofitting of a building to reduce energy consumption such as windows and door replacement, lighting, insulation, air ceiling, HVAC, and similar improvements. Renewable energy projects can be solar thermal, solar (*inaudible*), wind, and aerobic digester gas or electric systems, and micro-grids among other. Research shows that leaders who make important strides in improving their counties, towns, and cities, no matter their starting point, do three things really well. They achieve smart growth, do more with less, and win support for change. Adopting Chautauqua County's PACE program is an example of smart leadership. In addition to thanking the members of this Legislature, I would like to thank Mark Odell for taking the lead on energy efficiency policy including sponsoring the PACE law. I also want to make mention of George Spanos, Director of Public Facilities, for the recent purchase of two all-electric, Class 8 yard trucks for the landfill transfer stations. We are the first municipality in the country to own this type of vehicle. The purchases were made with no additional cost to the taxpayers above what a diesel truck would have cost. These vehicles are cleaner and cost less to maintain than a diesel truck saving taxpayer dollars and I want to thank you all very much.

Chairman Wendel: Anyone else to speak to the 1st privilege of the floor? Seeing no one, we'll close the 1st privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE HERRIGAN
NO VETOES FROM 12/20/17

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 1/24/18

PRESENTATION:

COUNTY HISTORIAN REPORT
by
MICHELLE HENRY

COMMUNICATIONS:

1. Letter – County Exec. Borrello–Re: Apptmt. to Southern Tier RR Authority Bd.
2. Investment Report – Fn. Director Crow – December/2017
3. Letter - County Exec. Borrello – Promulgating Amendment to Admin. Code
4. Class of 2018 Inductees – Chautauqua Sports Hall of Fame
5. Resolution – Oswego County – Re: No PILOT's for Big Wind Projects
6. Letter – NYSAC – Re: Partnered with BoardDocs – Paperless Solution
7. Letter – NYS Depart. of State – Re: Ack. Receipt of Local Laws 1, 2, & 3-18

Chairman Wendel: If I could please, item number four.

Clerk Tampio: Yes, I will read you a summary of that. Eight individuals were formally inducted at the Chautauqua Sports Hall of Fame 37th Annual Banquet that was held February 19, 2018 at the Lakewood Rod and Gun Club. The new honorees brought the total number of inductees to 191. The living inductees are Dick Cole, Curt Fischer, Lori Franchina, Sheilah Gulas, Fran Sirianni, Clem Worosz and Phil Young and the deceased honoree was Jim Riggs.

MOTIONS: (On file w/ Legislature Data)

- 2-18 Proclaiming March 19th-23rd Agricultural Literacy Week in Chautauqua County – *Unanimously Carried*
- 3-18 In Support of State Funding to Support the Treatment and Transition of Incarcerated Individuals with Substance Abuse Disorders in County Jails - *Unanimously Carried*

REGULAR SESSIONS

4th Ballation

Lance Hedlund
14 Dunn Ave.
Jamestown, N.Y. 14701
Term Expires: 1/31/19

Lloyd K. Johnson Jr.
752 N. Park St.
Ellington, N.Y. 14732
Term Expires: 1/31/19

Jeff Molnar
30 Main St.
Bemus Point, N.Y. 14712
Term Expires: 1/31/19

Peter Samuelson
4696 Maple Grove Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/19

Barry Swanson
4870 Bayview Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/19

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford

Unanimously Adopted – February 28, 2018

RES. NO. 35-18

Confirm Re-Appointment – Southern Tier Extension Railroad Authority Board of Directors

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following re-appointment to the Southern Tier Extension Railroad Authority Board of Directors.

Frank J. Gould
70 Hoag Road
Ashville, N.Y. 14701
Term Expires: 2/28/21

Signed: Odell, O'Connell, Chagnon, Starks

Unanimously Adopted – February 28, 2018

RES. NO. 36-18

Confirm Re-Appointments - Chautauqua County Visitors Bureau Board of Directors

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, per Resolution 66-84 there shall be two legislators named as voting members of the Chautauqua County Visitors Bureau Board of Directors; and

WHEREAS, the Chairman of the Legislature has submitted the following names for re-appointment by the Legislature; now therefore be it

RESOLVED, That the following named individuals be re-appointed to the the Chautauqua County Visitors Bureau Board of Directors.

Kevin Muldowney
10 Beach Rd.
Dunkirk, NY 14048

Elisabeth Rankin
4 Arlington Ave.
Jamestown, NY 14701

Signed: Odell, O'Connell, Chagnon, Starks

Unanimously Adopted – February 28, 2018

RES. NO. 37-18

Public Hearing Procedures for the North Chautauqua Lake Sewer District Scale of Charges

By Public Facilities Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to §266 of New York's County Law the Board of Directors of the North Chautauqua Lake Sewer District is required to hold a public hearing prior to adopting a scale of charges, such hearing to be conducted in a manner prescribed by the legislature; and

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WHEREAS, Chautauqua County Resolution 18-79 established procedures for the holding of such public hearings; and

WHEREAS, such procedures called for notice of the hearing to be published in both The Post-Journal and the Mayville Sentinel, the latter of which no longer exists; now therefore be it

RESOLVED, That public hearings for the establishment of a scale of charges be held by the district board at a place within the boundaries of the district and that the public notice of the date established by the district board for such hearing shall be published once not less than ten (10) or more than twenty (20) days from such date in The Post Journal; and be it further

RESOLVED, That said public notice shall state that the Board of Directors of the North Chautauqua Lake Sewer District as the administrative body of said district calls a public hearing upon the scale of charges for the collection, conveyance, treatment and disposal of sewage within the North Chautauqua Lake Sewer District to be established pursuant to Section 266 of the County Law and this resolution, together with the place, date, day of the week, and time when such hearing will be held.

Signed: Hemmer, Nazzaro, Scudder

Unanimously Adopted – February 28, 2018

RES. NO. 38-18

Authorize Agreement for Purchase and Removal of County Owned Timber from Property #9 on Warner Road in Town of North Harmony

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua solicited competitive bids to sell approximately 192,300 board feet of marked hardwood sawtimber located on County owned property in the Town of North Harmony, and designated on the Chautauqua County Tax Map for the Town of North Harmony as Section 364.00 Block 1 Lot 35 (Reforestation Parcel # 9); and

WHEREAS, bid invitations were sent to reliable bidders and two bids were received in response thereto; and

WHEREAS, Gutches Lumber Company, 890 McLean Road, Cortland, New York 13045, submitted the highest bid for Reforestation Parcel #9 with a bid in the amount of \$100,107; and

WHEREAS, the total sale amount payable to Chautauqua County is \$100,107, and pursuant to Resolution 164-02, revenue from the sale of timber rights will be dedicated to capital improvements to the County parks system; and

WHEREAS, it is appropriate to accept the bid submitted by Gutches Lumber Company as the offered prices exceed the fair market appraisal; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with Gutches Lumber Company for the sale and removal of sawtimber on the above-noted property at the above-stated price, with proceeds placed in the Parks Capital account.

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

Unanimously Adopted – February 28, 2018

RES. NO. 39-18

Establish Multiyear Parks Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Department of Public Facilities Parks Division is responsible to maintain and improve the parks, overland and water trails; and

WHEREAS, the Department of Public Facilities Parks Division is in need of equipment to perform capital improvement and maintenance of the parks and trails; and

WHEREAS, pursuant to Resolution 164-02, all revenues the Department of Public Facilities Parks Division receives from timber sales are designated for capital improvement to the parks and trails; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to establish the following accounts:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.25002.4	Contractual—Parks-Parks Capital Improvements	\$170,012
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.25002.R265.2000	Sale of Property/Compensa— Sale of Forest Products	\$170,012
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REGULAR SESSIONS

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

Unanimously Adopted – February 28, 2018

RES. NO. 40-18

Close Capital Projects and Amend 2018 Budget – South Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, the work has been completed for one capital project, and the scope of work has changed for another capital project so the work should be classified as an operating expenditure rather than a capital expenditure; now therefore be it

RESOLVED, That the Director of Finance close capital projects ESS.8130.27806 and ESS.8130.27807 for any further expenditures, and reconcile, post adjustments and begin capitalization as necessary; and be it further

RESOLVED, That upon completion of audit and reconciliation of these closed capital accounts, any surplus or deficit will be adjusted to the appropriate fund; and be it further

RESOLVED, That South Chautauqua Lake Sewer District Fund Balance is adjusted as follows:

INCREASE THE USE OF FUND BALANCE:

ESS.-----924.0000	Fund Balance – Net Assets-Unrestricted (Deficit)	\$250,000
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; and be it further

RESOLVED, That the Director of Finance is authorized make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

ESS.8130.4	Contractual – Sewage Treatment	\$250,000
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 41-18

Authorize Supplemental Agreement No. 3 with NYSDOT for PIN 5761.00

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Resolutions 204-14 and 111-16 approved a project for the Rehabilitation of the South Main Street Bridge over Chadakoin River, BIN 2258360 in the City of Jamestown, Chautauqua County, PIN 5761.00 (the "Project") and committed \$4,010,000 to cover 100% of the Project's total cost; and

WHEREAS, the total Project cost is now estimated at \$4,243,988, to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, New York State's anticipated reimbursement to the County is 75% of the Non-Federal share; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the revised Non-Federal Share for the Project's cost; now therefore be it

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

RESOLVED, That in the event the amount required to pay the full Federal and Non-Federal shares of the cost of the Project's Phases exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications and/or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

JOURNAL OF PROCEEDINGS

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

INCREASE THE USE OF FUND BALANCE:

D.-----915.0000 Fund Bal.—Assigned/Unappropriated Fund Balance \$11,700
; and it is further

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

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – County Bridge Program \$233,988

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002 Federal Aid--Surface Transp Program \$187,190
D.5112.390.R358.9003 New York State Aid--Marchiselli Funds \$ 35,098
Total \$222,288

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

Unanimously Adopted – February 28, 2018

RES. NO. 42-18

Authorizing the Sale of Curtis Street Residential Property Owned by JCC

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Jamestown Community College (JCC) currently owns 50 acres of property located on the Jamestown campus at 2835 Curtis Street Extension (the "Property") in the Town of Ellicott, and designated on the Chautauqua County Tax Map as Tax Parcel No. 370.00-1-19; and

WHEREAS, the Property includes a small pole barn and single family home of approximately 5,131 square feet which was utilized by JCC as office space but is not practical for College use now or in the future; and

WHEREAS, the sale of a portion of the Property consisting of the pole barn, single family home, and 8 acres of land adjacent to said buildings on the Property provides the opportunity to reduce operating costs of the College; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby finds that the pole barn, single family residence, and 8 acres of land adjacent to said buildings on the Property are no longer useful or required for community college purposes by JCC; and be it further

RESOLVED, That the Chautauqua County Legislature authorizes JCC to effectuate the divestment of the pole barn, single family residence, and 8 acres of land at a sales price of not less than \$300,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval

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

Unanimously Adopted – February 28, 2018

RES. NO. 43-18

Authorize Lease Agreement with Celebration Hall, LLC for Office Space for the Public Defender Office – Family Court Division

By Public Facilities, Public Safety, and Audit & Control Committees:
At the the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua desires to lease from Celebration Hall, LLC approximately 1,568 square feet of office space on the first floor of the Chautauqua Municipal Building, 2 Academy Street, Mayville, County of Chautauqua, State of New York for use by the Chautauqua County Public Defender's Office - Family Court Division; and

WHEREAS, negotiations have been undertaken to obtain a lease agreement mutually beneficial to the County of Chautauqua and Celebration Hall, LLC; therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a lease agreement with Celebration Hall, LLC upon the following terms and conditions:

- 1) Premises. Approximately 1,568 square feet of office space on the first floor of the Chautauqua Municipal Building.
- 2) Term. March 1, 2018 through February 28, 2023.
- 3) Rent. \$1,100.00 per month for approximately 1,568 square feet.
- 4) Utilities. Landlord shall be responsible for all utilities, including heat and electric. County is responsible for the cost of the phone and computer lines, including installation fees.
- 5) Other. As negotiated by the County Executive; and be it further

REGULAR SESSIONS

RESOLVED, That the County may renew this lease for up to one (1) additional term of five (5) years, subject to the same terms and conditions.

Signed: Hemmer, Nazzaro, Scudder, Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 44-18
Amend 2018 Budget Appropriations – Real Property Tax Office

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Real Property Tax Office expenses will exceed initial budgetary estimates, as well as some appropriations will have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.1330.----.4	Contractual--Real Property Tax	\$6,000
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DECREASE APPROPRIATION ACCOUNTS:

A.1362.----.4	Contractual—Tax Advertising & Expense	\$3,000
A.1364.----.4	Contractual—Exp.: Prop Acquired-Tax	<u>\$3,000</u>
	Total	\$6,000

Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 45-18
Amend 2018 Budget to Consolidate Costs Associated with Health Insurance Administration

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the costs associated with the administration of Health Insurance Benefits are currently budgeted in multiple accounts; and

WHEREAS, it would be advantageous to consolidate the expenses into one account; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1430.BENE.1	Personal Services-Human Resources - Health Ins. Benefits	\$105,032
A.1430.BENE.4	Contractual-Human Resources - Health Ins. Benefits	\$ 8,831
A.1430.BENE.8	Employee Benefits-Human Resources - Health Ins. Benefits	\$ 77,008
A.1310.----.1	Personal Services - Finance	\$ 26,896
A.1310.----.8	Employee Benefits - Finance	<u>\$ 10,222</u>
	Total	\$227,989

DECREASE APPROPRIATION ACCOUNTS:

A.1710.----.1	Personal Services - Insurance Administration	\$ 72,162
A.1710.----.4	Contractual - Insurance Administration	\$ 11,437
A.1710.----.8	Employee Benefits - Insurance Administration	\$ 36,919
A.1430.----.1	Personal Services - Human Resources	\$ 89,167
A.1430.----.8	Employee Benefits - Human Resources	\$ 39,203
M.1910.----.4	Contractual - Administration	<u>\$ 20,899</u>
	Total	\$269,787

INCREASE REVENUE ACCOUNT:

A.1430.BENE.R221.0ADM	Shared Services--Shared Services Ins Adm	\$190,871
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DECREASE REVENUE ACCOUNTS:

A.1710.----.R221.0ADM	Shared Services--Shared Services Ins Adm	\$ 83,400
A.1430.----.R221.0ADM	Shared Services--Shared Services Ins Adm	<u>\$128,370</u>
	Total	\$211,770

Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 46-18
Authorize Agreement with Silver Creek 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 Silver Creek Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer for the 2018 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Silver Creek School District to provide a certified School Resource Officer for the 2018 calendar year at an annual cost of \$75,807.13; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Silver Creek Central School District for the purpose of providing a School Resource Officer for the 2018 calendar year as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 47-18
Amend 2018 Budget for Statewide Interoperability Communications (SICG) Formula Grant Award

By Public Safety and Audit & Control Committees
At the Request of County Executive George M. Borrello:

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

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

WHEREAS, pursuant to Resolution 144-17, the County Executive was authorized to execute an agreement to secure the grant funding with the NYS Division of Homeland Security and Emergency Services; and

WHEREAS, grant expenditures in 2017 were less than anticipated and the grant expenditures in 2018 will be more than anticipated; now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3020.PSCN.2 Equipment—Publ Safety Communication,	
Publ Safety Communications Network	\$92,924

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R438.9000 Federal Aid—Other Public Safety Aid	\$92,924
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Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 48-18
Authorize Acceptance of Funds from the New York State Department of Health for Alzheimer’s Caregiver Support Initiative

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Offices for the Aging in the seven (7) western New York counties, and the Alzheimer’s Association of Western New York, have jointly applied and received grant funds for an Alzheimer’s Disease Caregiver Support Initiative for 2018 through 2020 from the New York State Department of Health (NYSDOH); and

WHEREAS, such funds are to be utilized to provide care consultation, coordination, support groups, respite, and other non-institutional services to support Alzheimer’s caregivers; and

WHEREAS, Chautauqua County Office for the Aging will receive the following funds:

REGULAR SESSIONS

In 2018: \$122,800;
 In 2019: \$120,683;
 In 2020: \$120,966 and

WHEREAS, such funds have been included in the 2018 budget, however the administrator and amount of the grant have changed; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this funding from the NYSDOH which shall be distributed by the Alzheimer's Association WNY Chapter for the Alzheimer's Caregiver Support Initiative; and be it further

RESOLVED, That the County Executive be and hereby is authorized and empowered to execute necessary agreements with the Alzheimer's Association WNY Chapter and the State of New York to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the Alzheimer's Caregiver Support Initiative Grant shall sunset after the grant funds are exhausted; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2018 budget:

INCREASE REVENUE ACCOUNT:

A.6772.R377.2000	New York State Aid--OFA	\$ 3,573
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INCREASE APPROPRIATION ACCOUNT:

A.6772.----.4	Contractual—Office for the Aging	\$23,070
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DECREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services—Office for the Aging	\$ 788
A.6772.----.8	Employee Benefits—Office for the Aging	<u>\$18,709</u>
	Total	\$19,497

Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 49-18

Authorize Execution of Attestation for 3.25% Funding Increase to Support Annual Salary and Salary Related Fringe Benefit Costs of Direct Care Staff, Direct Support Professionals, and Clinical Staff at Not-for-Profit Providers through the Department of Mental Hygiene OASAS Programs

By Human Services and Audit & Control Committees:
 At the Request of County Executive George M. Borrello:

WHEREAS, Part Q of Chapter 57 of the Laws of 2017 provides funding to support an increase in annual salary and salary-related fringe benefit costs for direct care staff, direct support professionals, and clinical staff at not-for-profit providers as defined by the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services; and

WHEREAS, the statute provides for a 3.25% increase for direct care staff and direct support professionals effective January 1, 2018; and

WHEREAS, effective April 1, 2018, the statute provides for an additional 3.25% increase for direct care staff and direct support professionals, and a new increase of 3.25% for clinical staff; and

WHEREAS, the County is required to submit an attestation confirming that the funding provided to the Department of Mental Hygiene OASAS programs under this statute will be used solely to support annual salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the New York State Office of Alcoholism and Substance Abuse Services Commissioner; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute an attestation certifying that the funding provided to Chautauqua County pursuant to Part Q of Chapter 57 of the Laws of 2017 will be used solely to support annual salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the Commissioner of the New York State Office of Alcoholism and Substance Abuse Services.

Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 50-18

Authorize Execution of Attestation for 3.25% Funding Increase to Support Minimum Wage and Workforce COLA Salary and Salary-Related Fringe Benefit Costs of Direct Care Staff, Direct Support Professionals, and Clinical Staff at Not-for-Profit Providers through the Department of Mental Hygiene:

By Human Services and Audit & Control Committees
At the Request of County Executive George M. Borrello:

WHEREAS, Part Q of Chapter 57 of the Laws of 2017 provides funding to support an increase in New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit costs for direct care staff, direct support professionals, and clinical staff at not-for-profit providers as defined by the Commissioner of the New York State Office of Mental Health; and

WHEREAS, the statute provides for a 3.25% increase for direct care staff and direct support professionals effective January 1, 2018; and

WHEREAS, effective April 1, 2018, the statute provides for an additional 3.25% increase for direct care staff and direct support professionals, and a new increase of 3.25% for clinical staff; and

WHEREAS, the County is required to submit an attestation confirming that the funding provided to the Department of Mental Hygiene under this statute will be used solely to support New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the New York State Office of Mental Health Commissioner; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute an attestation certifying that the funding provided to Chautauqua County pursuant to Part Q of Chapter 57 of the Laws of 2017 will be used solely to support New York State-mandated minimum wage and workforce COLA salary and salary-related fringe benefit increases for direct care staff, direct support professionals, and clinical staff as defined by the Commissioner of the New York State Office of Mental Health.

Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 51-18

Accept Grant Funding from New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program for B2CI Easements

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the *Chautauqua County Greenway Plan* seeks to capitalize on the County's natural assets by making the County a "four season destination for outdoor active living, nurtured by public/private partnerships" in order to grow the economy and improve the quality of life for its visitors and residents; and

WHEREAS, Chautauqua County residents ranked the Chautauqua Institution to Barcelona Harbor Trail as a top-ranked project in public meetings held in September of 2011, and as a result of this top ranking, the County commissioned the *Barcelona to Chautauqua Institution ("B2CI"): Shared-Use Trail Feasibility Study and Implementation Plan*, which identified that the trail should be constructed in phases; and

WHEREAS, Governor Cuomo launched the Regional Economic Development Councils and the Consolidated Funding Application ("CFA") to provide each region with the tools to create and implement its own roadmap for economic prosperity and job creation, and this community-based model uses local assets to drive local economic growth; and

WHEREAS, the County applied for and was awarded a \$92,511 grant (CFA # 75534) from New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program to acquire access easements along segments of the proposed B2CI trail; and

WHEREAS, the cost of the project is estimated to be \$144,861 and approximately 64% of the project shall be funded through the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program; and

WHEREAS, the County is responsible for the remaining 36% of the project through an in-kind match of \$14,578 and a cash match of \$37,772, which is to be appropriated in 2018 from the Reserve for Occupancy Tax because the unused portion of 2017 Occupancy Tax funds for trail establishment and development in Chautauqua County, which is set aside annually by Resolution 94-13, will be returned to the reserve at the end of 2017; and

WHEREAS, the County is required to officially accept the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program grant funding and establish the revenue and expense accounts; therefore be it

RESOLVED, That the County Executive is hereby authorized to officially accept the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program grant funding and execute all agreements necessary to implement said funding; and be it further

REGULAR SESSIONS

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

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000 Fund Balance – Reserve for Occupancy Tax \$37,772

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4 Contractual—Promotion of Industry \$130,283

INCREASE REVENUE ACCOUNT:

A.6420.R371.5000 NYS Aid: Tourism Promotion \$ 92,511

Signed: Odell, O'Connell, Chagnon, Starks, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 52-18

Allocation of 3% Occupancy Tax Funding from the 2018 Reserve Account to the Jamestown Renaissance Corporation for "Hello Jamestown" Video Campaign

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Jamestown Renaissance Corporation ("JRC") filed a 3% Occupancy Tax application in a timely manner, which was inadvertently left out of the review process, and therefore not factored into the Tourism Committee's recommendations for funding; and

WHEREAS, the application was subsequently independently reviewed by the Tourism Committee and based upon a score of 3.35 out of 5.0, would have been eligible for the 3% Occupancy Tax Tourism Project grant funding; and

WHEREAS, if the application was to be incorporated in to the limited fund pool of \$40,526, it would displace funds for two other viable projects that had previously been recommended to be funded; and

WHEREAS, it was determined by the Tourism Committee that based on JRC's score, the "Hello Jamestown" video campaign warrants funding in the amount of \$5,272; and

WHEREAS, as of February 2018, the current 3% Occupancy Tax Reserve Fund Balance was \$116,207, partially as a result of funds returned to the reserve by JRC from a 2017 project that was not undertaken; and

WHEREAS, the proposed project would greatly benefit Chautauqua County by increasing awareness of the County in the Buffalo market through a variety of media outlets; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement in the amount of \$5,272 of 3% Occupancy Tax with the Jamestown Renaissance Corporation to offset expenses associated with the "Hello Jamestown" video campaign; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----883 Fund Balance, Reserve Fund Bal- Reserve for Occupancy Tax \$5,272

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$5,272

Signed: Odell, O'Connell, Chagnon, Starks, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 53-18

Government Reduction Initiative (GRI) Assistance for the Town of Cherry Creek

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello and Legislator Terry Niebel:

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

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WHEREAS, pursuant to the parameters set forth in Resolution 139-17 authorizing such municipal assistance, it is provided that in the event of a village dissolution, the County will provide to a town in which a dissolving village is located a payment equal to the sales tax payment made to the village in the year preceding the dissolution, but not to exceed \$50,000, and that 50% of such payment may be utilized by the town with no restrictions, and 50% of the remaining funds shall be used for purposes previously undertaken by the village, including, but not limited to, youth programs, senior programs, sidewalk snow removal, and debt service reduction; and

WHEREAS, effective January 1, 2018, the Village of Cherry Creek located in the Town of Cherry Creek dissolved, and pursuant to Resolution 139-17, it is appropriate that the County provide assistance to the Town of Cherry Creek for the ongoing transition and expenses to be incurred by the Town now and in the future; therefore be it

RESOLVED, That for the purpose of enabling the County Executive to enter into an agreement with the Town of Cherry Creek to provide County assistance pursuant to the parameters of Resolution 139-17, the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.1010.----.4	Contractual — Legislative Board	\$36,303
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; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance--Unassigned Fund Balance	\$36,303
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Signed: Odell, O'Connell, Chagnon, Starks, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 54-18

Amend 2017 Budget for Year End Reconciliations – Portland-Pomfret-Dunkirk Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Portland Pomfret Dunkirk Sewer District expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Portland Pomfret Dunkirk Sewer District has received revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESP.8110.8114.4	Contractual - Administration, Administration	\$1,212
ESP.8120.8124.4	Contractual - Sanitary Sewers, Sanitary Sewers	<u>\$24,051</u>
	Total	\$25,263

DECREASE APPROPRIATION ACCOUNTS:

ESP.8120.8124.2	Equipment - Sanitary Sewers, Sanitary Sewers	\$ 915
ESP.8130.8134.4	Contractual - Sewage Treatment, Sewage Treatment	\$12,552
ESP.9730.9734.7	Interest - Debt Service, PPDS Debt Service	<u>\$ 8,464</u>
	Total	\$21,931

INCREASE REVENUE ACCOUNTS:

ESP.8110.8114.R212.8000	Departmental Income--Interest & Penalties: Sewer Charges	\$438
ESP.8130.8134.R212.2001	Departmental Income--Chrgs: Sewer Fees	\$2,844
ESP.8130.8134.R277.0000	Miscellaneous--Other Unclassified Rev	<u>\$50</u>
	Total	\$3,332

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

Unanimously Adopted – February 28, 2018

REGULAR SESSIONS

RES. NO. 55-18

Amend 2017 Budget for Year End Reconciliations – North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some North Chautauqua Lake Sewer District expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.8	Employee Benefits-Administration, Administration	\$8,787
ESN.8120.8122.4	Contractual-Sanitary Sewers, Sanitary Sewers	\$7,185
ESN.8130.8132.1	Personal Services-Sewage Treatment, Sewage Treatment	\$2,819
ESN.8130.8132.8	Employee Benefits-Sewage Treatment, Sewage Treatment	\$ 625
ESN.8130.8132.4	Contractual-Sewage Treatment, Sewage Treatment	<u>\$20,094</u>
	Total	\$39,510

DECREASE APPROPRIATION ACCOUNTS:

ESN.8110.8112.1	Personal Services-Administration, Administration	\$ 2,032
ESN.8110.8112.4	Contractual-Administration, Administration	\$ 4,468
ESN.8120.8122.1	Personal Services-Sanitary Sewers, Sanitary Sewers	\$ 2,329
ESN.8120.8122.2	Equipment-Sanitary Sewers, Sanitary Sewers	\$17,946
ESN.8120.8122.8	Employee Benefits-Sanitary Sewers, Sanitary Sewers	<u>\$ 3,985</u>
	Total	\$30,760

INCREASE REVENUE ACCOUNT:

ESN.8130.8132.R266.5000	Sale of Property/Compensa-Sale of Equipment	\$ 8,750
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 56-18

Amend 2017 Budget for Year End Reconciliations –South & Center Chautauqua Lake Sewer Districts

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some South & Center Chautauqua Lake Sewer District department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

ESS.8110.----.1	Personal Services--Administration	\$7,110
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DECREASE APPROPRIATION ACCOUNT:

ESS.8110.----.4	Contractual--Administration	\$7,110
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 57-18

Amend 2017 Budget for Year End Reconciliations – Public Facilities Transportation Division

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Public Facilities Department, Transportation Division, expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Public Facilities Department, Transportation Division, has received revenues in excess of budget; now therefore be it

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNTS:

D.5010.----.8	Employee Benefits - Public Facilities Admin	\$2,124
D.5142.----.4	Contractual - Snow Removal: Co Roads	<u>\$1,341,710</u>
	Total	\$1,343,834

DECREASE APPROPRIATION ACCOUNTS:

D.5110.----.4	Contractual - Maintenance of Roads	\$160,992
D.5110.----.1	Personal Services - Maintenance of Roads	\$367,507
D.5110.----.8	Employee Benefits - Maintenance of Roads	<u>\$369,955</u>
	Total	\$ 898,454

INCREASE REVENUE ACCOUNT:

D.5110.----.R496.0000	Federal Aid--Fema Disaster Reimbursement	\$445,380
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 58-18

Amend 2017 Budget for Year End Reconciliations – Public Facilities Road Machinery Division:

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Public Facilities, Road Machinery division, expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Public Facilities, Road Machinery division, has received revenues in excess of budget; and

WHEREAS, the net amendments to Public Facilities, Road Machinery Division, expenditures and revenues require the use of DM fund balance; now therefore be it

RESOLVED, That DM Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

DM.----.----.915.0000	Fund Balance – Assigned/Unappropriated Fund Balance	\$15,453
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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

DM.5130.----.4	Contractual - Road Machinery	\$165,279
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DECREASE APPROPRIATION ACCOUNTS:

DM.5130.----.1	Personal Services - Road Machinery	\$25,288
DM.5130.----.8	Employee Benefits - Road Machinery	\$15,010
DM.5130.----.7	Debt Services - Interest	\$952
DM.5130.----.2	Equipment - Road Machinery	<u>\$167</u>
	Total	\$41,417

INCREASE REVENUE ACCOUNTS:

DM.5130.----.R230.ODIE	Shared Services--CHRGs: Diesel	\$27,188
DM.5130.----.R230.0GAS	Shared Services--CHRGs: Municipal Gas	\$5,508
DM.5130.----.R230.0MEC	Shared Services--CHRGs: Mechanic Services	\$6,947
DM.5130.----.R265.0000	Sale of Property/Compensa--Sale of Scrap	\$13,210
DM.5130.----.R280.1DIE	Miscellaneous--Interfund Rev: Diesel	\$6,846
DM.5130.----.R280.1GAS	Miscellaneous--Interfund Rev:GAS	<u>\$48,710</u>
	Total	\$108,409

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

Unanimously Adopted – February 28, 2018

REGULAR SESSIONS

RES. NO. 59-18

Amend 2017 Budget for Year End Reconciliations – Public Facilities

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Public Facilities department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Public Facilities department has received revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.5610.5612.4	Contractual - Chautauqua County Airport-Dunkirk Airport	\$400
A.5630.5625.4	Contractual - Bus Operations--CARTS	\$71,403
A.5630.5631.4	Contractual - Bus Operations--SUNY	\$1,232
A.1620.5080.4	Contractual - Buildings & Grounds-Jail	\$10,437
A.1620.6050.4	Contractual - Buildings & Grounds-DMV-Dunkirk	\$717
A.1620.6080.4	Contractual - Buildings & Grounds-North Co Office Building	\$27
A.1620.7010.4	Contractual - Buildings & Grounds-South Co Office Building	<u>\$48,768</u>
	Total	\$132,984

DECREASE APPROPRIATION ACCOUNTS:

A.5610.5612.8	Employee Benefits - Chautauqua County Airport-Dunkirk Airport	\$400
A.1620.----.1	Personal Services - Buildings & Ground	\$37,970
A.1620.----.8	Employee Benefits - Buildings & Ground	<u>\$21,979</u>
	Total	\$60,349

INCREASE REVENUE ACCOUNTS:

A.5630.5625.R458.9000	Federal Aid--Transportation	\$71,403
A.5630.5631.R358.9000	New York State Aid--Transportation	<u>\$1,232</u>
	Total	\$72,635

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

Unanimously Adopted – February 28, 2018

RES. NO. 60-18

Amend 2017 Budget for Year End Reconciliations –Landfill - Environmental

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Landfill Environmental division expenses have exceeded initial budgetary estimates, and some appropriation accounts have a surplus; and

WHEREAS, the Landfill Environmental division has received revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.2	Depreciable Equipment--Environment-Landfill	\$ 1,255
EL.8160.1000.4	Contractual --Environment- Landfill	\$117,718
EL.8160.6000.4	Contractual --Environment-Closed Landfills	\$ 4,433
EL.8160.7000.4	Contractual --Environment-Recycling	\$ 11,902
EL.8189.----.1	Personal Services --Oth Env-House Haz Waste	\$ 64
EL.9710.----.7	Interest --Debt Service/Serial Bonds	<u>\$ 498</u>
	Total	\$135,870

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.8	Employee Benefits --Environment-Landfill	\$55,672
EL.8160.1000.1	Personal Services --Environment-Landfill	\$37,889
EL.8160.6000.1	Personal Services --Environment-Closed Landfills	\$ 3,640

JOURNAL OF PROCEEDINGS

EL.8160.6000.8	Contractual	--Environment-Closed Landfills	\$ 6,786
EL.8189.----.4	Contractual	--Oth Env-House Haz Waste	\$ 9,213
EL.8189.----.8	Employee Benefits	--Oth Env-House Haz Waste	<u>\$ 529</u>
		Total	\$113,729

INCREASE REVENUE ACCOUNT:

EL.8160.7000.R265.1000	Sale of Property/Compensa--Sale of Recyclables	\$ 22,141
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 61-18

Amend 2017 Budget for Year End Reconciliations – Clerk, Legislative Board

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Chairman Paul M. Wendel:

WHEREAS, some Clerk, Legislative Board department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.1040.4	Contractual - Clerk, Legislative Board	\$355
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DECREASE APPROPRIATION ACCOUNT:

A.1040.8	Employee Benefits – Clerk, Legislative Board	\$355
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Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 62-18

Amend 2017 Budget for Year End Reconciliations – County Clerk

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some County Clerk department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1410 .----.1	Personal Services--County Clerk	\$ 831
A.1410.1411.8	Employee Benefits--County Clerk-Motor Vehicles	\$7,521
A.1460.----.8	Employee Benefits--Records Management	\$ 345
A.6610.----.8	Employee Benefits--Weights & Measures	<u>\$ 891</u>
	TOTAL	\$9,588

DECREASE APPROPRIATION ACCOUNTS:

A.1410.----.4	Contractual--County Clerk	\$ 831
A.1410.1411.1	Personal Services--County Clerk-Motor Vehicles	\$7,521
A.1460 .----.4	Contractual--Records Management	\$ 345
A.6610.----.4	Contractual--Weights & Measures	<u>\$ 891</u>
	TOTAL	\$9,588

Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

REGULAR SESSIONS

RES. NO. 63-18
Amend 2017 Budget for Year End Reconciliations – Finance

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Finance Department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Finance Department has received revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1310.----.1	Personal Services – Department of Finance	\$ 4,054
A.1355.----.4	Contractual - Tax Assessment	\$ 13,963
A.1362.----.2	Equipment - Tax Advertising & Expense	\$ 590
A.9730.----.6	Principal - Debt Service	\$ 40,000
A.9730.----.7	Interest - Debt Service	\$ 31,181
A.1985.----.4	Contractual - Municipal Sales Tax	<u>\$650,586</u>
	Total	\$740,374

DECREASE APPROPRIATION ACCOUNT:

A.1310.----.4	Contractual – Department of Finance	\$ 18,607
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INCREASE REVENUE ACCOUNTS:

A.1985.----.R111.0MUN	Non Property Tax Items— Sales Tax-Muni Make Whole	\$650,586
A.9730.----.R118.9000	Non Property Tax Items—Mortgage Tax	<u>\$ 71,181</u>
	Total	\$ 721,767

Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 64-18
Amend 2017 Budget for Year End Reconciliations – Health Insurance Fund (M Fund)

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Health Insurance Fund (M Fund) department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

M.9089.8000.4	Contractual - Undistributed Benefits-Benefit Surcharge	\$109,980
M.9089.8000.8	Empl. Benefits - Undistributed Benefits-Benefit Surcharge	<u>\$ 2,666</u>
	Total	\$112,646

DECREASE APPROPRIATION ACCOUNT:

M.1930.----.4	Contractual - Judgments & Claims	\$112,646
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Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 65-18
Amend 2017 Budget for Year End Reconciliations – Board Of Elections

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Board of Elections department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.1450.----.1	Personal Services—Board of Elections	\$9,362
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DECREASE APPROPRIATION ACCOUNT:

A.1450.----.4	Contractual – Board of Elections	\$9,362
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Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 66-18

Amend 2017 Budget for Year End Reconciliations – Information Technology Services:

By Administrative Services and Audit & Control Committees
At the Request of County Executive George M. Borrello:

WHEREAS, some Information Technology Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1610.----.1	Personal Services - OFFICE SERVICES	\$ 3,073
A.1670.----.1	Personal Services - PRINT SHOP	\$ 785
A.1670.----.8	Employee Benefits - PRINT SHOP	\$ 51
A.1670.----.4	Contractual - PRINT SHOP	\$ 9,474
A.1680.----.8	Employee Benefits - INFORMATION TECHNOLOGY	\$16,510
A.1680.GIS.1	Personal Services - INFORMATION TECHNOLOGY, Geographic Info System	<u>\$ 125</u>
	Total	\$30,018

DECREASE APPROPRIATION ACCOUNT:

A.1610.----.4	Contractual - OFFICE SERVICES	\$30,018
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Signed: Scudder, Davis, Muldowney, Himelein, Chagnon, Nazzaro, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 67-18

Amend 2017 Budget for Year End Reconciliations – Unified Courts

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Unified Court expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Unified Court Costs-Assigned Counsel	\$148,830
A.1162.1180.4	Contractual - Unified Court Costs-Justices & Constables	\$ 70
A.1162.9999.4	Contractual - Unified Court Costs-Miscellaneous	<u>\$ 857</u>
	- Total	\$149,757

DECREASE APPROPRIATION ACCOUNTS:

A.1162.1125.4	Contractual - Unified Court Costs-Indigent Servs-Child Custody	\$ 6,404
A.1162.1135.4	Contractual - Unified Court Costs-Supreme Court	\$ 617
A.1162.1140.4	Contractual - Unified Court Costs-Family Court	\$ 1,180
A.1162.1145.4	Contractual - Unified Court Costs-Surrogate Court	\$ 244
A.2490.----.4	Contractual - Community College Tuition	<u>\$141,312</u>
	- Total	\$149,757

REGULAR SESSIONS

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 68-18

Amend 2017 Budget for Year End Reconciliations – Emergency Services

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Emergency Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

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

INCREASE APPROPRIATION ACCOUNTS:

A.3010.----.8	Employee Benefits-Emergency Services	\$ 9,447
A.3625.----.1	Personal Services-Technical Rescue Team	\$ 66
A.3640.----.8	Employee Benefits-Hazardous Materials	\$ 20
A.3989.----.1	Personal Services-Emergency Medical Service	<u>\$ 933</u>
Total		\$10,466

DECREASE APPROPRIATION ACCOUNTS:

A.3010.----.4	Contractual-Emergency Services	\$ 9,447
A.3625.----.4	Contractual-Technical Rescue Team	\$ 66
A.3640.----.4	Contractual-Hazardous Materials	\$ 20
A.3989.----.4	Contractual-Emergency Medical Service	<u>\$ 933</u>
Total		\$10,466

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 69-18

Amend 2017 Budget for Year End Reconciliations – Public Defender

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Public Defender department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1170.----.4	Contractual – Public Defender	\$9344
A.1170.1172.1	Personal Services – Public Defender, Aid to Defense	\$2601
A.1170.1172.8	Employee Benefits – Public Defender, Aid to Defense	<u>\$ 22</u>
Total		\$11,967

DECREASE APPROPRIATION ACCOUNT:

A.1170.----.8	Employee Benefits - Public Defender	<u>\$11,967</u>
Total		\$11,967

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 70-18

Amend 2017 Budget for Year End Reconciliations – District Attorney's Office

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNTS:

A.1165.---.1 Personal Services-District Attorney	\$ 7,202
A.1165.---.4 Contractual-District Attorney	<u>\$ 9,274</u>
Total	\$16,476

DECREASE APPROPRIATION ACCOUNT:

A.1165.---.8 Employee Benefits-District Attorney	\$16,476
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Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 71-18

Amend 2017 Budget for Year End Reconciliations – Office of the Sheriff

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Office of the Sheriff has received revenues in excess of budget; therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.1	Personal Services - Publ Safety Communication- Consolidated Dispatch	\$21,369
A.3020.PSCN.4	Contractual - Publ Safety Communication-Pub Sfty Communications Network	\$31
A.3110.----.4	Contractual - Sheriff	\$29,086
A.3110.----.8	Employee Benefits - Sheriff	\$738,113
A.3110.3114.4	Contractual - Sheriff - Pistol Permit	\$ 22,864
A.3150.----.1	Personal Services - Jail	\$296,909
A.3150.----.4	Contractual - Jail	\$ 97,376
A.3150.----.8	Employee Benefits - Jail	\$ 85,908
A.3189.3111.8	Employee Benefits - Other Law Enforcement- Navigation	\$ 19,821
A.3189.MEDI.1	Personal Services - Other Law Enforcement-Medi- Vac	\$ 18,376
A.3315.----.1	Personal Services - STOP DWI	<u>\$ 25,181</u>
	- Total	\$1,355,034

DECREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4	Contractual - Publ Safety Communication-Consolidated Dispatch	\$420
A.3020.DISP.8	Employee Benefits - Publ Safety Communication-Consolidated Dispatch	\$23,494
A.3020.PSCN.1	Personal Services - Publ Safety Communication-Pub Sfty Communications Network	\$3,952
A.3020.PSCN.8	Employee Benefits - Publ Safety Communication-Pub Sfty Communications Network	\$1,091
A.3020.TECH.1	Personal Services - Publ Safety Communication-Technical Services	\$40,285
A.3020.TECH.4	Contractual - Publ Safety Communication-Technical Services	\$3,195
A.3020.TECH.8	Employee Benefits - Publ Safety Communication-Technical Services	\$5,813
A.3110.----.1	Personal Services - Sheriff	\$110,507
A.3110.----.2	Equipment - Sheriff	\$34,558
A.3110.3114.1	Personal Services - Sheriff - Pistol Permit	\$3,783
A.3110.3114.8	Employee Benefits - Sheriff - Pistol Permit	\$1,924
A.3189.3111.1	Personal Services - Other Law Enforcement-Navigation	\$5,468
A.3189.3111.4	Contractual - Other Law Enforcement-Navigation	\$10,026
A.3189.3112.1	Personal Services - Other Law Enforcement-Snowmobile	\$626

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A.3189.3112.4	Contractual - Other Law Enforcement-Snowmobile	\$4,009
A.3189.3112.8	Employee Benefits - Other Law Enforcement-Snowmobile	\$9,316
A.3189.MEDI.4	Contractual - Other Law Enforcement-Medi-Vac	\$9,161
A.3189.MEDI.8	Employee Benefits - Other Law Enforcement-Medi-Vac	\$5,464
A.3315.----.4	Contractual - STOP DWI	\$39,240
A.3315.----.8	Employee Benefits - STOP DWI	\$11,364
A.6129.----.4	Contractual - State Training School	<u>\$878,914</u>
	- Total	\$1,202,610

INCREASE REVENUE ACCOUNTS:

A.3020.TECH.R156.00000	Departmental Income-Radio Repair Fees	\$2,798
A.3110..R158.9003	Departmental Income-Other Public Safe Income	\$4,464
A.3110..R240.1000	Use of Money & Property-Interest & Earnings	\$49
A.3110..R261.0001	Fines & Forfeitures-Handicapped Parking Surch	\$477
A.3110..R261.6000	Fines & Forfeitures-Restricted-Forfeiture	\$18,948
A.3110..R266.5000	Sale of Property/Compensa-Sale of Equipment	\$18,475
A.3110..R268.0000	Sale of Property/Compensa-Insurance Recoveries	\$38,183
A.3110..R270.1000	Miscellaneous-Refunds: Prior Yr Exp	\$3,549
A.3110..R270.5000	Miscellaneous-Gifts & Donations	\$3,070
A.3110..R333.0000	New York State Aid-Court Officers	\$3,978
A.3110..R338.9GIV	New York State Aid-Oth Publ Saftey: Give Grant	\$3,822
A.3110.3114.R254.5000	Licenses & Permits-Licenses	\$2,932
A.3150..R159.2000	Departmental Income-Employee Meals	\$206
A.3150..R159.2001	Departmental Income-Commissary Reimb	\$3,407
A.3150..R265.5000	Sale of Property/Compensa-Minor Sales	\$135
A.3150..R270.1000	Miscellaneous-Refunds: Prior Yr Exp	\$27,099
A.3189.3111.R331.5000	New York State Aid-Navigation Law Enforcement	<u>\$20,832</u>
	- Total	\$152,424

Signed: Niebel, Bankoski, Vanstrom, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – February 28, 2018

RES. NO. 72-18

Amend 2017 Budget for Year End Reconciliations – Health & Human Services

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Health and Human Services department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Health and Human Services department has received revenues in excess of budget; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.2960.TUIT.4	Contractual- Educ: Handicapped Children- Tuition	\$115,000
A.4017.JAIL.4	Contractual- Clinics- Jail	\$ 55,000
A.4025.----.1	Personal Services- Laboratories	\$ 1,300
A.4025.----.8	Employee Benefits- Laboratories	\$ 7,000
A.4042.----.4	Contractual- Rabies Control	\$ 6,500
A.4059.----.1	Personal Services- Early Intervention Program	\$ 4,500
A.4059.----.4	Contractual- Early Intervention Program	\$ 20,500
A.4189.LEAD.8	Employee Benefits- Other Public Health Progs- Lead Testing	\$ 11,200
A.6119.----.4	Contractual- Child Care (Foster/Inst)	\$180,000
A.6140.----.4	Contractual- Safety Net	\$192,500
A.6142.----.4	Contractual- Emergency Aid for Adults	\$ 4,000

JOURNAL OF PROCEEDINGS

A.6123.----.4	Contractual- Juvenile Delinquent Care	\$ 30,000
	Total	\$627,500

DECREASE APPROPRIATION ACCOUNTS:

A.2960.TRAN.4	Contractual- Educ: Handicapped Children- Transportation	\$ 50,000
A.4010.----.4	Contractual- Public Health Admin	\$ 80,000
A.4090.----.1	Personal Services- Environmental Health	\$ 1,300
A.4090.----.8	Employee Benefits- Environmental Health	\$ 18,200
A.4090.----.4	Contractual- Environmental Health	\$ 6,500
A.2960.ADMN.1	Personal Services- Educ: Handicapped Children- Administration	\$ 4,500
A.6010.----.4	Contractual- Social Services Admin	\$ 60,500
A.6129.----.4	Contractual- State Training School	\$ 30,000
	Total	\$ 251,000

INCREASE REVENUE ACCOUNTS:

A.6119.R181.9000	Departmental Income--Repay: Child Care	\$ 67,500
A.6140.R184.0000	Departmental Income--Repay: Safety Net Assist	\$309,000
	Total	\$376,500

Signed: Wilfong, Muldowney, O'Connell, Pavlock, Whitford, Niebel, Chagnon, Nazzaro

Unanimously Adopted – February 28, 2018

RES. NO. 73-18

Amend 2017 Budget for Year End Reconciliations – Planning and Economic Development

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, some Planning and Economic Development Department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.----.8	Employee Benefits—Planning	\$2,612
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DECREASE APPROPRIATION ACCOUNT:

A.6420.----.8	Employee Benefits—Promotion of Industry	\$2,612
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Signed: Odell, O'Connell, Chagnon, Starks, Nazzaro, Muldowney, Niebel

Unanimously Adopted – February 28, 2018

RES. NO. 74-18

Approving SEQRA Determination for New Fuel Farm at Dunkirk Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, a new above-ground fuel farm has been proposed for the Dunkirk Airport to replace the existing in-ground system; and

WHEREAS, DPF and the County Law Department have reviewed the proposed project and determined the project's status as an "Unlisted" action under the State Environmental Quality Review Act (SEQRA), and a Short Environmental Assessment Form ("SEAF") has been prepared for the project;

WHEREAS, this Legislature has reviewed the SEAF, a copy of which is on file with the Clerk of the County Legislature; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed actions will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized as may be required to execute a "Negative Declaration" for the proposed action.

REGULAR SESSIONS

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

Unanimously Adopted – February 28, 2018

RES. NO. 75-18

A Resolution Authorizing the Issuance of \$650,000 Bonds of the County of Chautauqua, New York, to Pay the Cost of the Design and Construction of a Fuel Farm at the Dunkirk Airport in and for Said County

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; now therefore
BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of a fuel farm at the Dunkirk Airport in the Town of Sheridan, in and for the County of Chautauqua, New York, as well as incidental costs and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$650,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$650,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to subdivision 14 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property of said County, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Adopted - R/C Vote: 16 Yes; 1 No; 1 Absent (No: Himelein) – February 28, 2018

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RES. NO. 76-18

Establishment of Capital Accounts for New Fuel Farm at Dunkirk Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, a new above-ground fuel farm has been approved for the Dunkirk Airport to replace the existing in-ground system; and

WHEREAS, it is appropriate to establish capital accounts for the undertaking of the work; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the new fuel farm at the Dunkirk Airport, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25003.4	Contractual—Chautauqua County Airport- Fuel Farm DNK (2018)	\$650,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5610.25003.R571.0000	Proceeds L/T Obligations—Serial Bonds	\$650,000
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Signed: Hemmer, Nazzaro, Scudder, Chagnon, Muldowney, Niebel

Adopted w/ Legislator Himelein voting " no" – February 28, 2018

RES. NO. 77-18

A Resolution Authorizing the Issuance of \$16,888,000 Bonds of the County of Chautauqua, New York, as Pay the Cost of the Design and Construction of an Extension of the South Chautauqua Lake Sewer District in and for said County

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello and County Legislator Pierre Chagnon:

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing and undertaking of such capital project; NOW THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the County Legislature of the County of Chautauqua, New York, as follows:

Section 1. The design and construction of improvements for the extension of the South Chautauqua Lake Sewer District to be located in the Town of North Harmony, in and for the County of Chautauqua, New York, including installation of new facilities for the sewer extension that include gravity sewers, pressure sewers, pumping stations, as well as incidental improvements and expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$16,888,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not exceeding \$16,888,000 bonds of said County hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds to be issued shall be reduced to the extent of grants received currently estimated to be \$7,500,000.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purposes is forty years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell the bonds and bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Director of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Director of Finance, consistent with the provisions of the Local Finance Law.

Section 5. The Direct of Finance is hereby further authorized to execute a project finance agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose.

Section 6. The faith and credit of said County of Chautauqua, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from assessments within the Extension or other sources, there shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized, including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Director of Finance, the chief fiscal officer of such County. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to

REGULAR SESSIONS

those required by Section 51.00 of the Local Finance Law, as the Director of Finance shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or
- 3) such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 10. No expenditure shall be made or contract let for the purpose authorized by this bond resolution unless and until the State Comptroller shall consent to such expenditure.

Section 11. This resolution, which takes effects immediately, shall be published in summary form in the official newspapers of such County, together with a notice of the clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

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

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - February 28, 2018

RES. NO. 78-18

Establishment of Capital Accounts for South & Center Chautauqua Lake Sewer districts (S&CCLSD) Extension

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 264-17, the County Legislature determined it was in the public interest to extend the South & Center Chautauqua Lake Sewer Districts through the Hamlet of Stow on the west side of Chautauqua Lake; and

WHEREAS, it is appropriate to establish capital accounts for the undertaking of the work; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to establish accounts for the District's capital improvements, as follows:

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:
ESS.8130.27001.4 Contractual—Sewage Treatment—S&CCLSD Extension \$16,888,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:
ESS.8130.27001.R571.0000 Proceeds L/T Obligations—Serial Bonds \$16,888,000

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

Unanimously Adopted – February 28, 2018

RES. NO. 79-18

Resolution of Intent to Acquire Town of North Harmony Sewer District Facilities and Property Interests for the Extension of the South Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, pursuant to Resolution 264-17, the County Legislature determined it was in the public interest to extend the South Chautauqua Lake Sewer District (the "County District") through the Hamlet of Stow on the west side of Chautauqua Lake; and

WHEREAS, the extension of the County District will include an area currently served by a Town of North Harmony Sewer District (the "Town District"), and such area will be converted from being a Town District service area to a County District service area; now therefore be it

RESOLVED, That it is the intent of the County of Chautauqua that upon the completion of the County District extension, the County District shall acquire from the Town of North Harmony all necessary Town District facilities and property interests in order to serve the portion of the County District extension area that will be converted from being within a Town District to being within a County District; and be it further

JOURNAL OF PROCEEDINGS

RESOLVED, That the Board of Directors of the South Chautauqua Lake Sewer District is authorized to execute all necessary agreements and documents to effectuate the intent of this resolution.

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

Unanimously Adopted – February 28, 2018

EMERGENCY RES. NO. 80-18
Adjust DPF Large Equipment Capital Account

By Legislator John Hemmer:
At the Request of County Executive George M. Borrello:

WHEREAS, funds realized from the sale of surplus equipment will generate a surplus to the DPF large equipment revenue account;
and

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

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

H.5130.626.4	Contractual—Road Machinery, DPF Large Equipment Annual	\$50,000
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INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$50,000
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Unanimously Adopted – February 28, 2018

LOCAL LAW
INTRODUCTORY NUMBER 1-18
CHAUTAUQUA COUNTY

A LOCAL LAW TO AMEND THE SUSTAINABLE ENERGY LOAN PROGRAM IN THE COUNTY OF CHAUTAUQUA

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

Section 1. This Legislature previously enacted Local Law No. 7-17 of the County of Chautauqua (“County”) pursuant to provisions of New York General Municipal Law, to establish a Sustainable Energy Loan Program. This program authorized the Energy Improvement Corporation (“EIC”), a local development corporation acting on behalf of the County, to make funds available to qualified property owners for the installation of renewable energy systems and energy-efficiency measures. The New York State Legislature recently amended certain provisions of the municipal sustainable energy loan program to “eliminate barriers that have been identified that have prevented the program from reaching its full potential.” The amendments to the program, enacted as Chapter 320 of the 2017 Laws of the State of New York, seek to encourage net metered and community solar projects, and will allow the County’s program to use monies available from the State or any State authority, and will permit a more flexible loan standard for commercial properties. Therefore, the purpose of this law is to amend Local Law No. 7-17 to make the County’s Sustainable Energy Loan Program in conformity with changes recently enacted to the New York State enabling legislation.

Section 2. Local Law No. 7-17 of the County of Chautauqua, entitled “A Local Law Establishing a Sustainable Energy Loan Program in the County of Chautauqua,” is hereby amended in its entirety to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

- A. It is the policy of both the County of Chautauqua and the State of New York to achieve energy efficiency and renewable energy goals, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The County of Chautauqua finds that it can fulfill this policy by providing property assessed clean energy financing to property owners for the installation of renewable energy systems and energy efficiency measures. This law establishes a program that will allow the Energy Improvement Corporation (“EIC”), a local development corporation, acting on behalf of the County of Chautauqua pursuant to the municipal agreement to be entered into between the County of Chautauqua and EIC pursuant to Article 5-G of the New York General Municipal Law (the “Municipal Agreement”), to make funds available to qualified property owners that will be repaid by such property owners through charges on the real properties benefited by such funds, thereby fulfilling the purposes of this law and fulfilling an important public purpose.
- B. The County of Chautauqua is authorized to implement this Energize NY Benefit Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the New York General Municipal Law.
- C. This law shall be known and may be cited as the “Energize NY Benefit Financing Program Law of the County of Chautauqua”.

§2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Authority – The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Chautauqua to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the County of Chautauqua tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the County of Chautauqua taxes.

Energy Audit – A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement – Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner – An owner of residential or commercial real property located within the boundaries of the County of Chautauqua that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System – An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study – A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§3. Establishment of an Energize NY Benefit Financing Program

- A. An Energize NY Benefit Financing Program is hereby established by the County of Chautauqua, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.
- B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.
- C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

- A. Any property owner in the County of Chautauqua may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County of Chautauqua offices.
- B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Chautauqua, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.
- C. If a positive determination on an application is made by EIC acting on behalf of the County of Chautauqua, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

Upon the submission of an application, EIC acting on behalf of the County of Chautauqua, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

JOURNAL OF PROCEEDINGS

- A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;
- B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- D. Sufficient funds are available from EIC to provide financing to the property owner;
- E. The property owner is current in payments on any existing mortgage;
- F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and
- G. Such additional criteria, not inconsistent with the criteria set forth above, as the County of Chautauqua, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize NY Finance Agreement

- A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Chautauqua (the "Energize NY Finance Agreement").
- B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the County of Chautauqua, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.
- C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§7. Energy audit, renewable energy system feasibility study

- A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.
- B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.
- C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County of Chautauqua, shall set forth the terms and conditions of repayment in accordance with the following:

- A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their County of Chautauqua tax bill and shall be levied and collected at the same time and in the same manner as County of Chautauqua property taxes, provided that such charge shall be separately listed on the tax bill. The County of Chautauqua shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the County of Chautauqua.
- B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Chautauqua.
- C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Chautauqua at the time the Energize NY Finance Agreement is executed by the property owner and EIC.
- D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

- A. EIC shall be responsible for verifying and reporting to the County of Chautauqua on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.
- B. The County of Chautauqua shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

REGULAR SESSIONS

Section 3. This local law shall take effect upon filing with the Secretary of State.

Emailed to Legislature: 2/16/18

Adopted by Legislature: 2/28/18

Public Hearing by County Executive: 3/19/18

Adopted as LL 4-18

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 3/22/18

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Bankoski, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:14 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, March 28, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announce a quorum present. (Absent: Bankoski, Rankin)

Legislator Chagnon: I would like to request a moment of silence for the passing of Sally Carlson, Supervisor of the Town of North Harmony for the past 13 years. She was an energetic, enthusiastic, and dedicated public servant, having served on several County boards and commissions, who will be greatly missed by the community and entire region.

Legislator O'Connell delivered the prayer followed by the pledge of allegiance.

MOVED by Legislator Nazzaro, SECONDED by Legislator Chagnon, the minutes were approved. (2/28/18)

1st Privilege of the Floor

No one chose to speak at this time.

MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 2/28/18

COMMENDATION:

JAMESTOWN RAIDERS
HIGH SCHOOL CLUB HOCKEY TEAM
CHAMPS
By
Legislators Chagnon, Davis, Odell & Vanstrom

COMMUNICATIONS:

1. Letters (3) – County Exec. Borrello – Re: Apptmts. to Various Boards
2. Letter - Coroner Brigham's Resignation
3. T/Elery Board – SEQR – Extension of Comment Period on Draft SEIS – Re: Chautauqua Lake Herbicide Treatment

MOTION: (On File w/ Legislature Data)

4-18 Opposing Governor Cuomo's Proposal Contained in the 2018 Budget Review Bill to Amend Laws Regarding the Current 480 & 480-A Forest Exemption and to add a new 480-B Taxation of Forest Land Under a Forest Practice Program or Forest Certification Program known as the Empire Forest for the Future Initiative - Unanimously Adopted

RES. NO. 81-18
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.

Legislator Elisabeth Rankin
4 Arlington Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/23

Signed: Wilfong, O'Connell, Whitford, Pavlock

Unanimously Adopted – March 28, 2018

REGULAR SESSIONS

RES. NO. 82-18

Confirm Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Industrial Development Agency.

Gary Henry
6116 Wright Rd.
Dewittville, NY 14728
Term Expires: 12/31/19

Replacing David Bryant

Signed: Odell, Chagnon, Himelein, O'Connell, Starks

Unanimously Adopted – March 28, 2018

RES. NO. 83-18

Confirm Appointment & Re-Appointments - Chautauqua County Land Bank Board of Directors

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, County Executive, George M. Borrello has submitted the following appointment and re-appointments to the Chautauqua County Legislature for action; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment and re-appointments to the Chautauqua County Land Bank Board of Directors.

New Appointment:

Mark Geise
121 Hamlet Street
Fredonia, N.Y. 14063
Term Expires: 3/31/20

Re-Appointments:

Diane E. Hannum
10435 Bay Shore Drive
Dunkirk, N.Y. 14048
Term Expires: 3/31/20

Nicole May
120 Lambert Avenue
Fredonia, N.Y. 14063
Term Expires: 3/31/20

Jim Caflisch
928 Marvin Rd.
PO Box 100
Clymer, N.Y. 14724
Term Expires: 3/31/20

John Hemmer
7539 East Rt. 20
Westfield, N.Y. 14787
Term Expires: 3/31/20

William Carlson
10370 Chestnut Rd.
Dunkirk, N.Y. 14048
Term Expires: 3/31/20

Hugh Butler
36 Hurst Ave.
PO Box 615
Chautauqua, N.Y. 14722
Term Expires: 3/31/20

Paul Whitford
58 Harris Ave.
Jamestown, N.Y. 14701
Term Expires: 3/31/20

Aaron Resnick
6828 Sherman-Westfield Rd.
Westfield, N.Y. 14787
Term Expires: 3/31/20

Signed: Odell, Chagnon, O'Connell, Starks, Himelein

Unanimously Adopted – March 28, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 84-18

Amend 2018 Budget Appropriations – Portland-Pomfret-Dunkirk Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Portland, Pomfret, Dunkirk Sewer District (PPDSD) has no sewage treatment equipment, and therefore has no depreciation expenditures associated with sewage treatment; and

WHEREAS, all of the depreciable equipment in the PPDSD is sanitary sewer equipment; and

WHEREAS, the 2018 budget for depreciation for PPDSD is split between the sanitary sewer and the sewage treatment departments, and should be consolidated in the sanitary sewer department; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

ESP.8120.8124.4 Contractual—Sanitary Sewers-Sanitary Sewers	\$28,355
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DECREASE APPROPRIATION ACCOUNT:

ESP.8130.8134.4 Contractual—Sewage Treatment-Sewage Treatment	\$28,355
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – March 28, 2018

RES. NO. 85-18

Authorize Agreements with Federal Aviation Administration (“FAA”) for the Installation, Operation, and Maintenance of Air Navigation, Communication and Weather Aid Facilities at the Chautauqua County Dunkirk Airport and Greater Chautauqua – Jamestown Airport

By Public Facilities Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Federal Aviation Administration (“FAA”) and the County desire to work in cooperation with each other in the installation, operation, and maintenance of air navigation, communication and weather aid facilities at the Chautauqua County Dunkirk Airport and Greater Chautauqua – Jamestown Airport; and

WHEREAS, the FAA and County agree that the establishment, operation, and maintenance of systems for air traffic control, navigation, communication, and weather reporting is in the primary interest of safety and direct support of the ongoing operations of the Chautauqua County Dunkirk Airport and Greater Chautauqua – Jamestown Airport; now, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute any and all agreements with the FAA for the installation, operation, and maintenance of air navigation, communication and weather aid facilities at the Chautauqua County Dunkirk Airport and Greater Chautauqua – Jamestown Airport.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 86-18

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

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 102-12, 91-16 and 137-17, the County Legislature authorized the Chautauqua County Board of Elections to receive a grant from the NYS Board of Elections acting through the State of New York in the amount of \$230,002.76 to implement the 2002 Help America Vote Act (HAVA); and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from March 31, 2018 through March 31, 2019; therefore, be it

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

Signed: Scudder, Davis Muldowney, Starks, Chagnon, Himelein, Nazzaro, Niebel, Gould

Unanimously Adopted – March 28, 2018

REGULAR SESSIONS

RES. NO. 87-18

Changing Place of the Chautauqua County Legislature April 2018 Meeting

By Administrative Services Committee:
At the Request of Chairman Paul M. Wendel:

WHEREAS, Section I, Rule (1)(C) provides that the Legislature meetings may be held at any suitable site within the County; therefore be it

RESOLVED, That the County Legislature's April meeting be held at the Chautauqua Lake Central School, 100 N. Erie Street, Mayville, N.Y. on Wednesday, April 25, 2018 at 6:30 p.m.

Signed: Scudder, Davis, Muldowney, Starks, Himelein

Adopted - R/C Vote: 16 Yes; 1 No; 2 Absent - Legislator Gould voting "no" – March 28, 2018

RES. NO. 88-18

Fiscal Year 2017 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County and its regional partnership was awarded funds of \$15,516.00 under the FY 2017 Hazardous Material Emergency Preparedness (HMEP) Grant Program; and

WHEREAS, funding is provided by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from October 1, 2017 through September 30, 2018, and as may be extended; and

WHEREAS, most grant funding will be expended in the 2018 budget year; 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; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.3640.----.4	Contractual – Hazardous Materials	\$15,516
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INCREASE REVENUE ACCOUNT:

A.3640.R430.5004	Federal Aid – Homeland Security	\$15,516
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Signed: Niebel, Vanstrom, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 89-18

NYS DHSES Fire Suppression Foam Equipment

By Public Safety Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, on January 28, 2014, Governor Andrew Cuomo issued an Executive Order 125 directing State agencies to conduct a review of safety procedures and emergency response preparedness related to the shipments of volatile crude from the Bakken Oil fields in North Dakota and other sources; and

WHEREAS, the State formed the NYS Foam Task Force, which is a State and local partnership, to support and supplement existing local foam capabilities to assure that trained personnel and the appropriate equipment are available at strategic locations throughout the state based on risk; and

WHEREAS, as a result of the review, NYS Division of Homeland Security and Emergency Services (DHSES) has acquired a quantity of foam trailers, equipment and supplies, of which Chautauqua County Office of Emergency Services has been selected as a strategic location to pre-position such equipment; and

JOURNAL OF PROCEEDINGS

WHEREAS, CSX has provided information to NYS that 20 to 35 unit trains transporting in excess of 1 million gallons of crude oil each travel through Chautauqua County each week and this trailer will significantly enhance our response to any incident involving one of these trains; therefore be it

RESOLVED, That County Executive George M. Borrello is authorized to enter into agreements as necessary with NYS DHSES for the temporary housing of fire suppression foam equipment.

Signed: Niebel, Vanstrom, Whitford, Pavlock

Unanimously Adopted – March 28, 2018

RES. NO. 90-18
Amend 2017 Budget for Year End Reconciliations – Additional Adjustments

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some department expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the some departments have received revenues in excess of budget, as well as some revenues did not achieve revenue budgets; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Assigned Counsel	\$56,248
A.3010.----.8	Employee Benefits - Emergency Services	\$62
A.3110.----.1	Personal Services - Sheriff	\$777
A.3110.----.4	Contractual - Sheriff	\$1,402
A.3110.----.8	Employee Benefits - Sheriff	\$78
A.3315.----.4	Contractual - STOP DWI	\$27,886
A.3315.----.8	Employee Benefits - STOP DWI	\$1,682
ESN.8120.8122.4	Contractual - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$98,296

DECREASE APPROPRIATION ACCOUNTS:

A.2490.----.4	Contractual - Community College Tuition	\$53,226
A.3010.----.4	Contractual - Emergency Services	\$62
A.4320.----.4	Contractual - Mental Hygiene Programs	\$3,022
A.6129.----.4	Contractual - State Training School	\$24,778
ESN.8120.8122.2	Equipment - Sanitary Sewers-Sanitary Sewers	<u>\$10,161</u>
	- Total	\$91,249

INCREASE REVENUE ACCOUNT:

A.3150.----.R158.9012	Departmental Income— Other Public Safety Income Communications	\$7,170
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DECREASE REVENUE ACCOUNT:

A.3110.----.R266.5000	Sale of Property/Compensa— Sale of Equipment	\$123
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Signed: Niebel, Vanstrom, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 91-18
Authorize Agreement with Forestville Central School for School Resource Officer

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Forestville Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of March 12, 2018 through December 31, 2018; and

REGULAR SESSIONS

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Forestville School District to provide a certified School Resource Officer for the 2018 calendar year at an annual cost of \$62,771.00, a pro-rated amount based upon the start date; and

WHEREAS, any additional expenditures to fund this position will be covered by additional revenue; however, this agreement was not included in the 2018 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Forestville Central School District for the purpose of providing a School Resource Officer for the 2018 term as set forth above with revenues to be credited to account A.3110.R226.0000; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.1	Personal Services—Sheriff	\$51,754
A.3110.4	Contractual—Sheriff	\$ 3,000
A.3110.8	Employee Benefits—Sheriff	\$ 8,017
	Total	\$62,771

INCREASE REVENUE ACCOUNT:

A.3110.R226.0000	Shared Services—Chrgs: Oth Gov—Public Safety	\$62,771
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Signed: Niebel, Vanstrom, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 92-18

Accept National Association of County and City Health Officials Grant for Strengthening Rural Local Health Department Capacity to Address Social Determinates of Health

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the National Association of County and City Health Officials (NACCHO) has awarded a grant to the Chautauqua County Department of Health and Human Services for Strengthening Rural Local Health Department Capacity to Address Social Determinants of Health, for the period of March 1, 2018 through June 30, 2018 and in the amount of \$15,000; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance - Unassigned Fund Balance	\$ 3,831
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.4010.----.4	Contractual- Public Health Admin	\$10,000
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INCREASE REVENUE ACCOUNT:

A.4010.----.R168.9000	Departmental Income--Oth Public Health Income	\$15,000
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DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	New York State Aid – Public Health Grant	\$ 1,169
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Signed: Wilfong, O'Connell, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 93-18

Accept Univera Grant for Expanding Lead Poisoning Prevention in Chautauqua County

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Univera Healthcare has awarded a grant for Expanding Lead Poisoning Prevention in Chautauqua County to the Chautauqua County Department of Health and Human Services, to support its lead poisoning prevention efforts for the period of January 1, 2018 through December 31, 2020, in the amount of \$90,000; and

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WHEREAS, the grant funding has been established at \$30,000 per year; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned	
	Fund Balance	\$10,495

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4189.LEAD.2	Equipment- Other Public Health Progs,	
	Lead Testing	\$ 2,650
A.4189.LEAD.4	Contractual- Other Public Health Progs,	
	Lead Testing	\$13,500
	Total	\$16,150

INCREASE REVENUE ACCOUNT:

A.4189.LEAD.R168.9000	Departmental Income--Oth Public	
	Health Income	\$30,000

DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	New York State Aid--Public Health Grant	\$ 3,355
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Signed: Wilfong, O’Connell, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – March 28, 2018

RES. NO. 94-18

Authorize Agreements for Early Intervention and Preschool Programs

By Human Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Article 25, Title II-A of New York State Public Health Law, the County is required to provide appropriate Early Intervention Services to eligible children and their families; and

WHEREAS, pursuant to the New York State Education Law Section 4410, the County is required to provide appropriate special education services to eligible preschool children, aged three through five, with handicapping conditions; and

WHEREAS, the State University of New York College at Fredonia, Jamestown Community College, BOCES, and Chautauqua County School Districts have in the past provided such services for eligible children, including transportation services; and

WHEREAS, Federal and State funding is available to cover some of the costs of these services; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County’s receipt of such funds; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal entities for the provision of services for so long as the County is mandated to provide program services.

Signed: Wilfong, O’Connell, Whitford, Pavlock

Unanimously Adopted – March 28, 2018

RES. NO. 95-18

Requesting CCIDA to Approve no Further PILOT Agreements for Wind Energy Projects Larger Than 5 Megawatts Rated Capacity

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislators Scudder and Nazzaro:

WHEREAS, pursuant to Local Law 8-07 of the County of Chautauqua, the County “opted out” of the tax exemption otherwise granted by New York Real Property Tax Law (“RPTL”) Section 487 for certain solar or wind energy systems or farm waste energy systems, and such systems are therefore taxable within Chautauqua County absent a payment in lieu of tax (“PILOT”) agreement; and

WHEREAS, the County of Chautauqua Industrial Development Agency (“CCIDA”) accepts applications for PILOT agreements

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pertaining to both small and large energy projects that are taxable as a result of the County opting out of the RPTL Section 487 tax exemption; and

WHEREAS, it has been demonstrated that the environmental, economic, and community impacts of large wind energy projects of 5 Megawatts (MW) or more can be significant and might well have a net negative effect on the County depending on the location of the proposed project; and

WHEREAS, providing a tax abatement subsidy through PILOT agreements to encourage the siting of large wind energy projects may not be appropriate given the potential negative impacts of large wind energy projects; therefore be it

RESOLVED, That the County of Chautauqua requests CCIDA to approve no further PILOT agreements of any kind for large wind energy projects with a rated capacity of 5 MW or greater; and be it further

RESOLVED, That the Clerk of the County Legislature is directed to send a copy of this resolution to the chair of CCIDA.

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - March 28, 2018

RES. NO. 96-18

Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review ("SEQR") of Barcelona to Chautauqua Institution Multiuse Trail Easements

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the County Legislature accepted a grant (CFA # 75534) from the New York State Office of Parks, Recreation and Historic Preservation Environmental Protection Fund Grants Program to acquire access easements along segments of the Barcelona to Chautauqua Institution ("B2CI") Multiuse Trail, which is known as Project # 175534; and

WHEREAS, the State Environmental Quality Review Act and the New York State Office of Parks, Recreation and Historic Preservation require municipalities to conduct an environmental assessment; and

WHEREAS, it is the responsibility of an agency undertaking an action to be the lead agency in the SEQR process; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby agree to act as the SEQR Lead Agency and as such is authorized to comply with all SEQR requirements for the Barcelona to Chautauqua Institution Multiuse Trail Easements.

Signed: Odell, Chagnon, O'Connell, Starks, Himelein

Unanimously Adopted – March 28, 2018

RES. NO. 97-18

Approving SEQR Findings for Trail Easement Acquisition for the Barcelona to Chautauqua Institution Multiuse Trail

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act ("SEQR") of the Environmental Conservation Law, the County Legislature, as the declared lead agency, must evaluate the environmental impact of acquisition of easements along the Barcelona to Chautauqua Institution ("B2CI") Multiuse Trail in the Towns of Westfield and Chautauqua and the Village of Mayville; and

WHEREAS, the County Department of Planning and Economic Development has prepared an Environmental Assessment Form ("EAF") for consideration by the County Legislature that considers the acquisition of easements for the B2CI trail; and

WHEREAS, the proposed action involves the consideration of future trail easement acquisitions under 100 acres; and

WHEREAS, the proposed action does not involve the consideration of future improvements and construction to the proposed trail; and

WHEREAS, future improvements and construction of the proposed trail when identified and designed will be considered in a subsequent environmental assessment process that will be conducted when funding is appropriated for construction; and

WHEREAS, the proposed action is not listed under 6 NYCRR 617.4 (Type I actions) or 6 NYCRR 617.5 (Type II actions), and is therefore an Unlisted action; therefore be it

RESOLVED, That the Chautauqua County Legislature, based upon its thorough review of the EAF, Parts I and 2, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review; its thorough review of the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment,

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including the criteria identified in 6 NYCRR §617.7(c); and its completion of the EAF, Part 3, including the reasons noted thereon, hereby finds in accordance with Article 8 of the New York State Environmental Conservation Law that

- 1) the requirements of 6 NYCRR Part 617 have been met; and
- 2) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the Chautauqua County Legislature accordingly does issue a "Negative Declaration" and determines that an Environmental Impact Statement will not be required.

Signed: Chagnon (PED: Passed on w/o recommendation)

Unanimously Adopted – March 28, 2018

RES. NO. 98-18

Authorize County Executive to Enter into Amended Municipal Agreement with the Energy Improvement Corporation ("EIC") for Sustainable Energy Loan Program of Chautauqua County

By Planning & Economic Development Committee:

At the Request of County Executive George M. Borrello and Legislator Mark Odell:

WHEREAS, pursuant to Local Law 7-17 and Resolution 240-17, the County established a Sustainable Energy Loan Program whereby the Energy Improvement Corporation ("EIC"), acting on the County's behalf, may provide funds to qualified property owners; and

WHEREAS, the New York State Legislature recently amended the municipal sustainable energy loan program, and the County has adopted Local Law 1-18 to amend its Sustainable Energy Loan Program in conformance with the State Legislature's changes; and

WHEREAS, the County must enter into an amended municipal agreement with EIC in order to implement the amended Sustainable Energy Loan Program pursuant to Local Law 1-18; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into any and all agreements with the Energy Improvement Corporation, and its successors, to implement and amend, as necessary, a Sustainable Energy Loan Program in Chautauqua County.

Signed: Odell, Chagnon, O'Connell, Starks, Himelein

Unanimously Adopted – March 28, 2018

RES. NO. 99-18

Authorize Sale and Option Agreements for Redevelopment of Roberts Road Properties in the City of Dunkirk

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County desires to facilitate the rehabilitation and redevelopment of real estate in Chautauqua County, including blighted or contaminated properties, and to promote and provide for additional and maximum employment opportunities, including the former Edgewood, Alumax, and Roblin properties located on Roberts Road in the City of Dunkirk also known as tax parcels 79.16-2-2, 79.16-2-5, 79.16-2-77, 79.12-4-29, 79.12-4-30, 79.12-4-32, (the "Land"); and

WHEREAS, the County issued a Request for Proposals (RFP) in July 2017 for redevelopment of the Land, and received a single proposal from The Krog Group of Orchard Park, New York; and

WHEREAS, the County and an affiliated corporate entity of The Krog Group, known as Roberts Road Freezer LLC (the "Purchaser"), have agreed upon the terms of sale and redevelopment of the Land (the "Project"), including the disposition of the 167,000 foot building located on the Land (the "Existing Building"); and

WHEREAS, the Project will include the demolition of the Existing Building and the subsequent construction of an approximately 80,000 square foot building (the "New Building") on the Land with potential parking, landscaping and related improvements to the Land (together with the New Building, the "Facility"), and the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment (the "Equipment"), all of the foregoing to be used as a refrigerated warehouse that the Purchaser will lease to Field Brook Foods, Inc. or another entity acceptable to the County of Chautauqua Industrial Development Agency ("CCIDA") (collectively, the "Project Facility"); and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("NYSDEC"), being 6 N.Y.C.R.R. Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the County as an Involved Agency as defined by SEQRA must satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

REGULAR SESSIONS

WHEREAS, pursuant to SEQRA, and as consented to by the County, and with the consent or no objection by all other Involved Agencies, CCIDA acted as Lead Agency for the Project and undertook a coordinated review pursuant to 6 N.Y.C.R.R. 617.6(b)(3) of the Regulations; and

WHEREAS, to aid CCIDA in determining whether the Project may have a significant adverse impact upon the environment, CCIDA completed, received and/or reviewed (1) Part 1 of a Full Environmental Assessment Form ("EAF"), dated January 2, 2018 and Purchaser's EAF Supplement; (2) NYSDEC's Environmental Resource Mapper; (3) New York State Historic Preservation Office's Cultural Resources Mapper; (4) the U.S. Fish and Wildlife Service's Information for Planning and Consultation Mapper; and (5) other relevant environmental information (collectively, 1, 2, 3, 4, and 5 shall be referred to as the "Environmental Information"); and

WHEREAS, prior to making a recommendation about the potential environmental significance of the Project, CCIDA reviewed the Environmental Information, consulted various information sources, and considered the list of activities which are Type I Actions outlined in Section 617.4 of the SEQRA regulations, the list of activities that are Type II Actions outlined in Section 617.5 of the SEQRA regulations and the criteria for determining significance outlined in Section 617.7 of the SEQRA regulations; and

WHEREAS, after a thorough review and examination of the Project and Environmental Information, and upon CCIDA's knowledge of the area surrounding the Project site and such further investigation of the Project and its environmental effects as CCIDA deemed appropriate, CCIDA made the following findings with respect to the Project:

- (A) The Project is a Type I Action;
- (B) CCIDA, as Lead Agency for the Project, undertook a coordinated review of the Project in accordance with 6 N.Y.C.R.R. 617.6(b)(3) of the Regulations; and
- (C) No potentially significant adverse impacts on the environment are noted in the Environmental Information and none are known to CCIDA; and

WHEREAS, as a result of its review and findings as described above, which found that the Project will not have any potentially significant adverse environmental impacts, CCIDA as Lead Agency issued a negative declaration ("Negative Declaration") pursuant to SEQRA for the Project by resolution dated February 27, 2018; now therefore be it

RESOLVED, That the County hereby determines that the Project will not have a significant potential adverse environmental impact in accordance with the findings of CCIDA as Lead Agency, and in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, including pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, the County affirms the Negative Declaration issued by CCIDA; and be it further

RESOLVED, That pursuant to Section 215 of the New York State County Law and Local Law 7-75 of the County of Chautauqua, the Chautauqua County Legislature does hereby find the Land is surplus and no longer necessary for public use, and is best suited for private redevelopment; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the County Executive is authorized to execute all agreements necessary to accomplish the sale and option sale of the Land to the Purchaser, substantially consistent with the following terms and conditions:

- A. Contract for Purchase of Edgewood (Tax Parcels 79.16-2-2, 79.16-2-77, 79.12-4-32)
 - 1. Acreage. Approximately 6.77 acres
 - 2. Purchase Price. \$1.00
 - 3. Environmental. Purchaser responsible for Remedial Action Plan (RAP) approved by NYSDEC; County responsible for unknown environmental issues not covered by the RAP except to the extent exacerbated by the Purchaser.
 - 4. Access Easement. If necessary to operate the Project, County shall grant a permanent easement to Purchaser for construction of an access road over Alumax and Roblin parcels; Purchaser responsible for all environmental costs related thereto.
 - 5. Investment. Purchaser shall invest approximately \$16.25 million for completion of the Project Facility, including the cost of demolition of the Existing Building, the construction of the New Facility, and the acquisition and installation of the Equipment.
 - 6. Other. As negotiated by the County Executive
- B. Option for Purchase of Alumax and Roblin (Part of Tax Parcels 79.16-2-5, 79.12-4-29, 79.12-4-30)
 - 1. Acreage. Approximately 9.92 acres
 - 2. Option Term. 10 years
 - 3. Purchase Price. \$1.00, provided, however, that during years 6 through 10 the Purchaser shall be required to match any other offer received by the County
 - 4. Environmental. To be negotiated upon exercise of option
 - 5. Investment. To be negotiated upon exercise of option
 - 6. Other. As negotiated by the County Executive

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

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - March 28, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 100-18
 Compensation for County Coroners.

By Public Safety and Audit & Control Committees:
 At the Request of Chairman Paul M. Wendel:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from county funds; and

WHEREAS, a change from a "per diem" to a "per case" compensation format is appropriate for the work performed by the Chautauqua County Coroners; therefore be it

RESOLVED, That the compensation for the County Coroners shall be established at \$150.00 per case, effective April 5, 2018 through June 27, 2018

Signed: Niebel, Vanstrom, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Adopted – R/C Vote: 16 Yes; 1 No; 2 Absent - Legislator Himelein voting "no" - March 28, 2018

RES. NO. 101-18
 Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
 At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-38-2016	City of Jamestown	060800-370.18-2-56	James L. Lindsay	\$ 200.00	\$1,476.96
PA-137-2014	City of Jamestown	060800-387.12-3-71	Hillsboro Inlet LLC	\$ 950.00	\$ 327.12
PA-59-2015	City of Jamestown	060800-387.12-1-15	Hillsboro Inlet LLC	\$ 950.00	\$ 312.22
PA-42-2017	City of Jamestown	060800-370.16-4-13	Hillsboro Inlet LLC	\$ 950.00	\$ 382.80
PA-121.2017	City of Jamestown	060800-387.26-3-19	Hillsboro Inlet LLC	\$1,400.00	\$ 187.88
PA-205-2017	Ellicott	063889-371.18-2-12	Hillsboro Inlet LLC	\$1,400.00	\$ 396.19
				\$5,850.00	\$3,083.17

Signed: Scudder, Davis, Muldowney, Himelein, Starks, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - March 28, 2018

LOCAL LAW
 Print 2
 INTRODUCTORY NO. 2-18
 CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING LOCAL LAW 7-90 PROVIDING FOR A MANAGEMENT SALARY PLAN FOR COUNTY OFFICERS AND EMPLOYEES
 (RE: DEPUTY COUNTY EXECUTIVE FOR ECONOMIC DEVELOPMENT and DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT)

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

REGULAR SESSIONS

Section 1. Purpose.

In conjunction with contemporaneous amendments to the Chautauqua County Administrative Code, the purpose of this Local Law is to establish the new titles of "Deputy County Executive for Economic Development" and "Director of Planning and Community Development."

It is appropriate that County government have an economic development management title at the level of Deputy County Executive to oversee all of County government's efforts to enhance the economy of Chautauqua County, as the work of almost all County departments impacts the County's economic health. The Deputy County Executive for Economic Development shall also serve as chief administrative officer of the County of Chautauqua Industrial Development Agency.

The Director of Planning and Community Development will lead the Division of Planning and Community Development within the newly-created Department of Planning and Development, and will primarily focus on planning and community development activities to position Chautauqua County now and in the future as an ideal place to live, work, conduct business, and recreate.

Section 2. Salary Levels.

The titles of Deputy County Executive for Economic Development and Director of Planning and Community Development shall be placed in Range 10 (\$66,277 to \$101,807) of the 2018 Management Salary Plan.

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 5-18

R/C Vote: 17 Yes 2 Absent

Date State Filed: 4/13/18

LOCAL LAW
INTRODUCTORY NUMBER 3-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendment to County Charter.

Section 3.02(b)(i) of the Chautauqua County Charter regarding the County Executive's duty to promulgate an Administrative Code is hereby amended to read as follows:

(b) Promulgate an administrative code for the administration, organization, and implementation of all functions of County government, except those excluded in Section 3.02(a) above, to include:

(i) the details of the organizational structure of the executive branch of County government, to be grouped into four general areas:

- (1) Administrative Services;
- (2) Human Services;
- (3) Planning and Development; and
- (4) Public Facilities.

Section II. Effective Date

This Local Law shall take effect upon filing with the Secretary of State.

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 6-18

R/C Vote: 17 Yes 2 Absent

Date State Filed: 4/13/18

LOCAL LAW
INTRODUCTORY NO. 4-18
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION
OF AN ANIMAL ABUSE REGISTRY

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

JOURNAL OF PROCEEDINGS

Section 1. Legislative Findings.

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Chautauqua County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Chautauqua County Legislature further finds and determines that it is in the best interest of the residents of Chautauqua County and their animals that an online registry be established identifying individuals residing in Chautauqua County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

"Animal Abuse Crime" - Any of the following crimes:

A violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:

Section 351	Prohibition of animal fighting
Section 353	Overdriving, torturing and injuring animals; failure to provide proper sustenance
Section 353-A	Aggravated cruelty to animals
Section 355	Abandonment of animals
Section 356	Failure to provide proper food and drink to impounded animals
Section 359	Carrying animal in a cruel manner
Section 360	Poisoning or attempting to poison animals
Section 361	Interference with or injury to certain domestic animals
Section 362	Throwing substance injurious to animals in public place
Section 365	Clipping or cutting the ears of dogs
Section 366	Companion animal stealing
Section 366-A	Removing, seizing or transporting dogs for research purposes

(b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)

(c) Harming a service animal in violation of NYS PL §242.10 and NYS PL §242.15

(d) Killing or injuring a police animal in violation of NYSPL §195.06

(e) Harming an animal trained to aid a person with a disability in violation of NYS PL §195.12

"Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.

"Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

"Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Chautauqua County convicted of an Animal Abuse Crime.

"Animal Shelter" - Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

"Conviction" - An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

"Farm Animal" - An animal used in the production of human or animal food, feed or fiber.

"Pet Seller" - Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

"Service Animal" - Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 3. Establishing an Animal Abuser Registry.

The Chautauqua County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders

REGULAR SESSIONS

living in Chautauqua County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Office of the Chautauqua County Sheriff and shall be listed on the Chautauqua County official website within the Office of the Chautauqua County Sheriff's webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Chautauqua County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Office of the Chautauqua County Sheriff of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Chautauqua County Animal Abuse Registry within five (5) days following the notification.

Section 4. Registry Requirements.

(a) All Animal Abuse Offenders who reside in Chautauqua County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Chautauqua County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

(b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Office of the Chautauqua County Sheriff the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Office of the Chautauqua County Sheriff that the person is required to register with the Animal Abuser Registry.

(c) Each person required to register with the Animal Abuser Registry shall submit to the Office of the Chautauqua County Sheriff:

- i) Their name and any aliases they may be known by;
- ii) Their residence address;
- iii) Their date of birth; and
- iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Office of the Chautauqua County Sheriff at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

(f) The Chautauqua County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 5. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

No Animal Shelter, Pet Seller, or other person or entity located in Chautauqua County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Chautauqua County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed. This section shall not apply to Farm Animals for farmers, nor to Service Animals for people with disabilities.

Section 6. Penalties.

(a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).

(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal, except for Farm Animals for farmers and Service Animals for people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00).

(c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 5 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Chautauqua County Animal Abuser Registry and the name did not appear thereon.

Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

JOURNAL OF PROCEEDINGS

MOVED by Legislator Niebel, SECONDED by Legislator Nazzaro – Unanimously Carried

Emailed: 3/16/18
 Tabled in Legislature: 3/28/18

LOCAL LAW
 INTRODUCTORY NO. 5 -18
 CHAUTAUQUA COUNTY

A LOCAL LAW DECLARING THE OPIOID EPIDEMIC AND ITS EFFECTS ON CHAUTAUQUA COUNTY A PUBLIC NUISANCE AND
 FURTHER ESTABLISHING A COST RECOVERY PROCEDURE FOR THE COUNTY'S EXPENDITURES INCURRED
 IN PROVIDING SERVICES RELATED TO THE OPIOID EPIDEMIC

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

Section 1. Purpose and Intent.

The opioid epidemic is sweeping the country. Indeed, addiction to and abuse of opioids is one of the greatest challenges facing Chautauqua County, New York (the "County"). A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioids were sold, distributed, and prescribed in the County over the past several years, a practice that continues today. The selling, distributing, and prescribing of large amounts of opioids in our community has created a public health and safety hazard affecting the residents of the County. This crisis has devastated families, wreaked havoc on our economy, and produced a generation of narcotic dependence. As a result of the opioid epidemic, costs related to healthcare, family and social services, criminal justice, addiction and rehabilitation, and many other areas have significantly increased. Many of these costs are paid by the County.

The purpose and intent of this legislation is to allow the County to recover these costs, despite the existence of the common-law municipal cost recovery rule (a.k.a. free public services doctrine) and declare the opioid epidemic and its effects on the County a public nuisance. Specifically, the County provides services related to the opioid epidemic, which are funded by tax revenues. This statute clarifies that reimbursement may be sought for the costs of providing such services, whenever practicable, from the responsible party. To accomplish this, the County establishes this cost recovery procedure and declares the opioid epidemic and its effects on the County a public nuisance.

Section 2. Definitions.

"Costs" means all expenditures related to the opioid epidemic that directly or indirectly arise from the County's response to a responsible party's action or inaction.

"Responsible party" means any person or corporation whose negligent, intentional, or otherwise wrongful conduct causes the incident resulting in the County incurring costs or who is found liable or made responsible by a court for the costs incurred by the County in the form of damages, regardless of the cause of action.

Section 3. Governmental Function Cost Recovery.

The County may recover the costs of governmental functions related to opioids marketed, sold, manufactured, dispensed, prescribed, and/or distributed by the responsible party. If a responsible party fails to pay the costs demanded, the County may initiate and recover costs through administrative, civil, and/or criminal action against the responsible party. In that case, the County may also recover attorney's fees, interest, and any other payment or type of damages the court deems proper.

Section 4. Effect of Criminal or Civil Proceedings on Governmental Function Cost Recovery.

The initiation of administrative or civil proceedings for governmental function cost recovery does not bar the criminal prosecution of a responsible party for any associated violation. Similarly, criminal prosecution does not bar civil collection of costs for the violation giving rise to the criminal prosecution.

Section 5. Public Nuisance.

The County hereby finds and declares the following:

- (1) That addiction to and abuse of opioids is one of the greatest challenges facing the County;
- (2) A cause of this increasing crisis is the overabundance of prescription opioids. Vast amounts of prescription opioid pain pills were sold, distributed and prescribed in the County over the past several years, which practice continues today;
- (3) There is evidence showing that approximately four in five heroin users began their addiction by first using and then misusing prescription pain medications containing opioids;
- (4) The selling, distributing, and prescribing of large amounts of opioid pain pills in the County has created a public health and safety hazard affecting the residents of the County, resulting in devastation to County families, a negative effect on the County economy, wasted public resources, and a generation of narcotic dependence;
- (5) That selling, distributing, and prescribing of prescription opioid pain pills is a hazard to public health and safety, which has created a public nuisance to the citizens of the County, and said nuisance remains unabated;

REGULAR SESSIONS

(6) That, in addition to all other powers and duties now conferred by law upon the County, the County is authorized to enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance;

(7) That manufacturers of prescription opioids and those in the chain of distribution have wrongfully abused the privilege of selling and/or providing medication to our residents and must be held accountable; and

(8) That it is the duty of the County to vindicate the rights of the citizens of the County and take action to abate this public nuisance.

Section 6. Retroactive Application.

This Local Law applies retroactively.

Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 7-18

R/C Vote: 17 Yes 2 Absent

Date State Filed: 4/13/18

LOCAL LAW
INTRODUCTORY NUMBER 6-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendment to County Charter.

Section 2.05(h) of the Chautauqua County Charter governing the County Legislature's appointment of Coroners is hereby amended as follows:

(h) To appoint a Public Defender and up to six (6) ~~four (4)~~ Coroners to serve as provided by law. They shall have and exercise all powers and duties now or hereafter conferred or imposed upon them by applicable law, and be directly responsible to the County Legislature.

Section II. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Emailed: 3/16/18

Adopted by Legislature: 3/28/18

Public Hearing by County Executive: 4/11/18

Adopted as Local Law 8-18

R/C Vote: 16 Yes; 1 No; 2 Absent

(No – Himelein)

Date State Filed: 4/13/18

2nd Privilege of the Floor

My name is Chris Jackson, I live up in Arkwright. The whole ordeal with this wind turbine, I don't know if anybody is checking these guys out or not, but Center Road from Meadows to Straight Road is just about gone. Being in the construction business, I know what they are going to do. They are just going to lay blacktop over it. It's almost down to base. Bard Road, Meadows Road, they are gone. I wouldn't even drive my tractor up and what are town did is they basically sold the town out for peanuts. Our taxes just keep going up and this was supposed to help our taxes. It hasn't helped them one iota. I don't know what we can do. But, as soon as I retire, I'm about in a position to sell in the farm and move out of Chautauqua County and out of New York State because of these taxes keep going up and we don't even see anything from this PILOT agreement from these wind turbines lowering our taxes. I don't know if anything can be done.

Good evening everybody, my name is Jack Szumigala, I live in the Town of Arkwright. Last time I spoke to everybody here was in January, it was right smack dab in the middle of hell. Never thought that hell could get worse but it has. Along with what Mr. Jackson just said. The overall incompetence that has been bestowed on each and every resident in the Town of Arkwright from this wind mill project is disgustingly obvious. From infrastructure, driveways and roads that have to be replaced because they can't take the deliveries after 7 months of non-stop truck traffic, putting gravel and so on and so forth on the ground, they have admitted they have never dealt with, worked with, seen, and can't combat and can't fix. Brainard Road is no longer impassable. I bought this up to our last board meeting and what they were doing to ensure public safety on this road, they assured me that they are monitoring and I asked them, "how do you monitor something that you don't know how to correct?". They had no answer. So the public is at their mercy for emergency vehicles to get up and down that road.

JOURNAL OF PROCEEDINGS

(Inaudible) their total disregard for public safety and our town is gone. It hasn't been there so I'm with Mr. Jackson. If there is anything that the County on your guys' level can do to help us, not only would it be greatly appreciated but it would be a Godsend because right now, we're at the mercy of whatever they decide is best for us and it's not by no means. For everybody that agreed to this PILOT, I applaud you. Speaking on behalf of me and my son that spoke in January to you all, thank you very much.

Joan Riggle, Sinclairville, New York. I want to thank you for passing the resolution no PILOT program over 5 megawatts. I think it's very timely I believe a visual aid helps to realize the magnitude of the impending and dramatic transformation of rural New York from industrial scale wind projects. For reference please note Chautauqua County, the Finger Lakes, Adirondack Park, which is luckily is an exclusion zone, downstate Long Island. The orange markers *(showing a map)* depict current wind projects, the pink are those in the pipeline for development. We will essentially have one massive wind farm project from the Finger Lakes to Chautauqua Lake, even the gorgeous Thousand Islands are under attack. The latest projects in nearby Ally Cat Wind is a huge project in Allegheny and Cattaraugus County and Blue Stone Wind. They anticipate using 600 to 700 foot turbines. That's like twice the size of the ones out in Wyoming County and it's because our winds are considered low. As this map shows western New York and upstate New York are being disproportionately targeted. Sadly we are the sacrifice zone chosen to produce electricity to light up New York City's skyscrapers and neon signs or even to be sold out of State like Cassadaga Winds. The big wind companies will come back. They plan to expand. As you can see, *(away from microphone – inaudible)* usually do come back in that same area, the infrastructure is in. Virtually our pristine Adirondack Park remains in an exclusion zone. Please note the other exclusion zone stretching from Albany down to Long Island. In fact, Governor Cuomo promised Mantock, Long Islands wealthy elite that they would not hear or see the turbines. He also promised that they would be sited 30 miles off shore and in sharp contracts, Governor Cuomo's handpick siting board did not protect but instead praised and rubberstamped our wind project that will be cited a 1,000-1,500 feet from homes. Many residents will see them from miles away but some will also hear them and experience intrusive shadow flicker and vibrations within their homes and even their bodies. So, I really applaud you for passing that resolution. Thank you.

My name is Diane Clark. I'm a resident of Chautauqua County. I live at 8531 Bear Lake Road. I also want to add my applause, my sincere gratitude to the legislative body here who has stood up against these huge 500 foot turbines that don't really produce all the electric power that they claim they will and use a vast amount of our fossil fuel, believe it or not. They are almost like a gimmick, the corporations have used to make money. Let's put them in and they put them in where ignorance raises high and the need for money is there. We're seeing them go in in many, many places. So, I thank you very much for caring about Chautauqua County. I know our economics are important but so is our land. So is our air and that's what you have stood up and said there is a limit and we're not just going to let these big industries ramrod over us. Thank you very much. I've never respected a legislative body as much as I have respected to for passing this one ordinance.

My name is Bill Moran, Town of Pomfret and Portland resident. We live right on the Town line. So we're familiar with both districts and we're very curious about what is going to happen as far as these townships adopting their local laws on wind. I think that we need to take a real good look about what is going on in Arkwright right now and perhaps you can make some decisions about how that is going to go. Let's see what these things look like because they are coming, is that not true? Unfortunately, let's see what these things look like and as far as the County Board of Tourism, I don't think people are going to come around for miles just to look at these things. I've heard people make that kind of a remark and it upsets me. So thank you for your concern. Please everybody do your homework, look at the statistics, like what was just presented, look at other forms of the media and what's going on. Some places they aren't working, they are decommissioning them. But anyway, everybody do their homework please before you make any bid decisions about wind power on that scale. The smaller turbines seem to be doing fine generating. So, thank you for hearing me out.

Chairman Wendel: Anyone to speak to the second of the floor? Seeing none, we'll close the second privilege of the floor.

MOVED by Legislator Gould, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (7:17 p.m.)

REGULAR SESSIONS

Regular Meeting
 Chautauqua County Legislature
 Chautauqua Lake Central School
 Wednesday, April 25, 2018, 6:30 p.m.
 Mayville, N.Y. 14757

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

Chairman Wendel: First off, I would like to thank the Chautauqua Lake School District, Superintendent Ben Spitzer and Josh Liddell, personally, for hosting this event to what I'm sure is going to be exciting and informational.

Clerk Tampio called the roll and announced a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (3/28/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
 NO VETOES FROM 3/28/18

COMMENDATION:

EMILEE HANLON
 NYS INDOOR HIGH JUMP CHAMPION
 By Legislators Bankoski and Muldowney

PROCLAMATION:

CHILD ABUSE AWARENESS MONTH
 PRESENTED to CHRISTINE SCHUYLER
 DEPARTMENT OF HEALTH & HUMAN SERVICES
 By COUNTY EXECUTIVE BORRELLO

STATE OF THE COUNTY ADDRESS
 BY
 COUNTY EXECUTIVE GEORGE M. BORRELLO
 (See link below)

<http://www.co.chautauqua.ny.us/ArchiveCenter/ViewFile/Item/2409>

COMMUNICATIONS:

1. Letter – County Exec. Borrello – Re: Amendmt. To Chaut. Co. Admn. Code
 2. Reports (3) – Fn. Dir. Crow – 2018 Investment Reports – Jan.-Feb.-March
 3. Motion – N. Chaut. Co. Water District – Extend Capital Prjt. Interim Funding
 4. Res. – N. Chaut. Co. Water District – Re: Inter-Municipal Agrmt. Between NCCWD and Village of Brocton
 5. Chaut. Co. Historian 2017 Annual Report
 6. Chaut. Co. Soil & Water Conservation District 2017 Annual Report
 7. Notice – Town of Ellery – Re: Completion of Final SEIS
 8. Letter – Maple Springs Volunteer Fire Co., Inc. – Re: Fly Car Program
 9. Letters (2) – Orrick Bond Council – Re: Ack. Receipt of Documents for Bonds
 10. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 4-18
 11. Testimony – Pet Industry Joint Advisory Council – Re: LL Intro. 4-18
-

TABLED LOCAL LAW INTRO. 4-18 – A Local Law Authorizing the Creation of an Animal Abuse Registry (See text on page 60)

MOVED by Legislator Chagnon, SECONDED by Legislator Bankoski to bring off the table. *Unanimously Carried*

MOVED by Legislator Chagnon, SECONDED by Legislator Bankoski to amend by substitution *Unanimously Carried*

JOURNAL OF PROCEEDINGS

LOCAL LAW
INTRODUCTORY NO. 4-18 (Print 2)
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION
OF AN ANIMAL ABUSE REGISTRY

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

Section 1. Legislative Findings.

Animal cruelty is a serious problem resulting in the abuse of many animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Chautauqua County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Chautauqua County Legislature further finds and determines that it is in the best interest of the residents of Chautauqua County and their animals that an online registry be established identifying individuals residing in Chautauqua County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale or other means.

Section 2. Definitions.

As used in this Local Law, the following terms shall have the meanings indicated:

"Animal Abuse Crime" - Any of the following crimes:

(a) A violation of any of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:

Section 351	Prohibition of animal fighting
Section 353	Overdriving, torturing and injuring animals; failure to provide proper sustenance
Section 353-A	Aggravated cruelty to animals
Section 355	Abandonment of animals
Section 356	Failure to provide proper food and drink to impounded animals
Section 359	Carrying animal in a cruel manner
Section 360	Poisoning or attempting to poison animals
Section 361	Interference with or injury to certain domestic animals
Section 362	Throwing substance injurious to animals in public place
Section 365	Clipping or cutting the ears of dogs
Section 366	Companion animal stealing
Section 366-A	Removing, seizing or transporting dogs for research purposes

Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)

Harming a service animal in violation of NYS PL §242.10 and NYS PL §242.15

Killing or injuring a police animal in violation of NYSPL §195.06

Harming an animal trained to aid a person with a disability in violation of NYS PL §195.12

"Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.

"Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

"Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Chautauqua County convicted of an Animal Abuse Crime.

"Animal Shelter" - Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

"Conviction" - An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty or nolo contendere plea.

"Farm Animal" - An animal used in the production of human or animal food, feed or fiber.

"Pet Seller" - Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange or other transfer of ownership of animals.

"Service Animal" - Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 3. Establishing an Animal Abuser Registry.

The Chautauqua County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Chautauqua County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Office of the Chautauqua County Sheriff and shall be listed on the Chautauqua County official website within the Office of the Chautauqua County Sheriff's webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Chautauqua County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Office of the Chautauqua County Sheriff of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this local law, the registration information for that individual shall be removed from the Chautauqua County Animal Abuse Registry within five (5) days following the notification.

Section 4. Registry Requirements.

(a) All Animal Abuse Offenders who reside in Chautauqua County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Chautauqua County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

(b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Office of the Chautauqua County Sheriff the name and address of the convicted person along with the name of the Animal Abuse Crime the person was convicted of, thereby notifying the Office of the Chautauqua County Sheriff that the person is required to register with the Animal Abuser Registry.

(c) Each person required to register with the Animal Abuser Registry shall submit to the Office of the Chautauqua County Sheriff:

- i) Their name and any aliases they may be known by;
- ii) Their residence address;
- iii) Their date of birth; and
- iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Office of the Chautauqua County Sheriff at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

(f) The Chautauqua County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 5. Prohibited Acts and Required Registry Checks.

(a) No Animal Shelter, Pet Seller, or other person or entity located in Chautauqua County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Chautauqua County and listed as an Animal Abuse Offender on the Animal Abuser Registry.

(b) No Animal Abuse Offender shall possess, own, adopt or purchase an animal.

(c) Prior to the sale, exchange or other transfer of ownership of any animal, the Animal Shelter, Pet Seller or other person or entity is required to examine the Animal Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

(d) This section shall not apply to Farm Animals, nor to Service Animals for people with disabilities.

Section 6. Penalties.

(a) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed two thousand dollars (\$2,000.00).

(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal, except for Farm Animals and Service Animals for people with disabilities, shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed five thousand dollars (\$5,000.00). Any Animal Shelter, Pet Seller or other individual or entity that violates Section 5 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Chautauqua County Animal Abuser Registry and the name did not appear thereon.

REGULAR SESSIONS

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.90000	NYS Aid – Transportation	\$96,828
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Signed: Hemmer, Scudder, Wilfong, Gould, Nazzaro, Niebel, Chagnon, Muldowney

Unanimously Adopted – April 25, 2018

RES. NO. 104-18

Accept New York Voting Access for Individuals with Disabilities, Polling Place Access Improvement Grant Funds to Enhance Voting Opportunities To persons with Disabilities

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County Board of Elections has successfully applied through the New York State Board of Elections for grant funds to enhance voting opportunities to persons with disabilities in the amount of \$40,543.00; and

WHEREAS, the County Board of Elections will use the grant proceeds to establish, expand and improve access to poll sites to increase participation in the election process by individuals with a full range of disabilities; and

WHEREAS, it would be appropriate to extend the grant under the same terms and conditions from April 1, 2018 through March 31, 2019; and

WHEREAS, the revenues and expenditures associated with the \$10,057.11 in remaining grant funds are already included in the 2018 budget, so no budget amendments are necessary; therefore be it

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

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 105-18
Close Capital Projects

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the following capital projects have been completed and can be closed:

H.1620.25854	SCOB HVAC Upgrades (2017)
H.1620.25945	SCOB Parking Struct Repr (2015)
H.2490.00912	Renovation of Food Service (2014)
H.5610.239	Mowing Equipment (2008)
H.5610.241	Vehicle Parking Area (2009)
H.5610.244	Runway 6-24 Reconstruct (2009)
EL.8160.024	Vertical Expansion-PH 1&2 (2006)
ESS.8130.701	Nutrient Removal
ESS.8130.705	SCADA System (2009)

; now therefore be it

RESOLVED, That the Director of Finance close the capital projects listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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

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

Unanimously Adopted – April 25, 2018

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RES. NO. 106-18

Amend 2017 Budget for Year End Reconciliations – Capital Projects

By Public Facilities, Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some capital project expenses exceeded initial budgetary estimates; and

WHEREAS, some capital project revenues exceeded initial budgetary estimates, as well as some revenues were less than initial budgetary estimates; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

H.1620.25820.4	Contractual - Bldgs & Grds-Closed-SCOB Cooling Tower (2015)	\$15,960
H.5130.25811.4	Contractual - Road Machinery-Closed-Mobile Data Coll Sys (2010)	\$12,752
H.6420.673.4	Contractual - Promotion of Industry-Closed-Edgewood Warehse (2007)	<u>\$ 1,758</u>
	Total	\$30,470

INCREASE REVENUE ACCOUNTS:

H.1620.25820.R277.0004	Miscellaneous-Other Uncl: Refund Rebate	\$ 15,960
H.5130.25811.R277.0004	Miscellaneous-Other Uncl: Refund Rebate	\$ 12,752
H.6420.531.R379.7000	New York State Aid-Economic Assist Capital Grant	\$400,000
H.6420.673.R277.0010	Miscellaneous-Other Uncl: City/Dunkirk	<u>\$ 26,561</u>
	Total	\$455,273

DECREASE REVENUE ACCOUNTS:

H.6420.531.R503.1000	Interfund Transfers-Interfund Transfer	\$400,000
H.6420.673.R309.7000	Interfund Transfers-Environmental Restoration	\$ 9,559
H.6420.673.R503.1000	Interfund Transfers-Interfund Transfer	<u>\$ 15,244</u>
	Total	\$424,803

Signed: Hemmer, Scudder, Wilfong, Gould, Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Muldowney, Niebel

Unanimously Adopted – April 25, 2018

RES. NO. 107-18

Close Capital Projects and Amend 2018 Budget – Landfill

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature has allocated certain monies for capital projects; and

WHEREAS, capital projects E.I.S. Master Plan (1992), Repave Parking Lot (2002), and Upgrade Transfer Stations (2004) have been completed and can be closed; and

WHEREAS, the estimated cost of two projects has changed; and

WHEREAS, the accounting treatment of gas well maintenance has been reevaluated, so the associated expenditures should be classified as operating rather than capital expenditures, and the 2018 anticipated expenditures are \$380,893; now therefore be it

RESOLVED, That the Director of Finance close capital projects

EL.8160.007	E.I.S. Master Plan (1992)
EL.8160.009	Landfill Gas Recovery (1993)
EL.8160.016	Repave Parking Lot (2002)
EL.8160.019	Upgrade Transfer Stations (2004)

for any further expenditures, and reconcile accounts, post adjustments, and begin capitalization as necessary; and be it further

RESOLVED, That, upon completion of audit and reconciliation of these closed capital projects, any surplus or deficit be adjusted to the appropriate fund; and be it further

RESOLVED, That Landfill--Environment Fund Balance is adjusted as follows:

INCREASE THE USE OF FUND BALANCE:

EL.-----889.METHFund Balance – Misc Res: Gas Well Maintenance	\$ 380,893
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; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is authorized make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

EL.8160.1000.4	Contractual—Environment-Landfill	\$ 380,893
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DECREASE APPROPRIATION ACCOUNTS:

EL.8160.025.4	Contractual—Environment-Phase IV Construction (2007)	\$16,513,445
EL.8160.24685.4	Contractual—Environment-Phase 2 Capping (2010)	\$ 198,924

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

Unanimously Adopted – April 25, 2018

RES. NO. 108-18

Amend 2018 Budget Appropriations and Revenues – North Chautauqua Lake Sewer District, North County Industrial Water & Sewer Districts #1

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the North County Industrial Water District #1 (NCIWD#1) and the North County Industrial Sewer District #1 (NCISD#1) are in need of clerical work, third party services and goods, and field work; and

WHEREAS, the North Chautauqua Lake Sewer District (NCLSD) has entered into an agreement with NCIWD#1 and NCISD#1 to provide and arrange for the needed services; and

WHEREAS, the revenues and expenditures associated with this agreement are not included in the 2018 budget; and

WHEREAS, the NCIWD#1 has an unrestricted fund balance of approximately \$223,017, and the NCISD#1 has an unrestricted fund balance of approximately \$21,895; now therefore be it

RESOLVED, That EW Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

EW.-----924.0001	Fund Balance—Net Assets Water-Unrestricted (Deficit)	\$14,531
EW.-----924.0002	Fund Balance—Net Assets Sewer-Unrestricted (Deficit)	\$14,941
	Total	\$29,472

; and be it further

RESOLVED, That ESN Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

ESN.-----924.0000	Fund Balance—Net Assets-Unrestricted (Deficit)	\$29,472
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

EW.8120.----.4	Contractual—Sanitary Sewers	\$14,941
EW.8310.----.4	Contractual—No Co Ind Water District #1	\$14,531
	Total	\$29,472

INCREASE REVENUE ACCOUNTS:

ESN.8110.8112.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	\$13,639
ESN.8120.8122.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	\$14,993
ESP.8120.8124.R237.4000	Shared Services—Chrgs: Sewer-Oth Gov't	\$ 840
	Total	\$29,472

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

Unanimously Adopted – April 25, 2018

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RES. NO. 109-18

Amend 2018 Budget Appropriations and Revenues Due to Changes in Occupancy and the Sale of the South County Office Building

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 227-17 the South County Office Building (SCOB) was sold on October 31, 2017, and the county offices within the SCOB changed from owner-occupied to leased premises, effective November 1, 2017; and

WHEREAS, pursuant to Resolution 307-17 the Chautauqua County Office of Mental Hygiene entered into an agreement to relocate from owner-occupied premises to leased space at 2 Academy, Mayville, effective April 1, 2018; and

WHEREAS, these changes affect the inter-departmental revenues and expenditures for occupation of county-owned space, and these changes were not included in the 2018 Adopted Budget; and

WHEREAS, these changes require use of A Fund Balance in 2018 because many of the savings associated with the sale of the SCOB are derived from reductions in future capital expenditures; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance	\$95,821
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1010.----.4	Contractual - Legislative Board	\$1,155
A.1040.----.4	Contractual - Clerk, Legislature	\$462
A.1162.1135.4	Contractual - Unified Court Costs-Supreme Court	\$5,788
A.1162.1145.4	Contractual - Unified Court Costs-Surrogate Court	\$2,395
A.1162.1160.4	Contractual - Unified Court Costs-Court Library	\$497
A.1165.----.4	Contractual - District Attorney	\$1,347
A.1230.----.4	Contractual - County Executive	\$507
A.1310.----.4	Contractual - Department of Finance	\$3,700
A.1410.1411.4	Contractual - County Clerk-Motor Vehicles	\$697
A.1410.----.4	Contractual - County Clerk	\$2,732
A.1420.----.4	Contractual - County Attorney	\$691
A.1430.----.4	Contractual - Human Resources	\$850
A.1450.----.4	Contractual - Board of Elections	\$1,745
A.1460.----.4	Contractual - Records Management	\$1,977
A.1620.7010.4	Contractual - Buildings & Grounds	\$422,569
A.1650.----.4	Contractual - Communications System	\$62
A.1670.----.4	Contractual - Print Shop	\$339
A.1680.----.4	Contractual - Information Technology	\$4,788
A.1710.----.4	Contractual - Insurance Administration	\$298
A.3010.----.4	Contractual - Emergency Services	\$98
A.3020.DISP.4	Contractual - Public Safety Communications-Consolidated Dispatching	\$98
A.3110.3114.4	Contractual - Sheriff-Pistol Permit	\$196
A.3110.----.4	Contractual - Sheriff	\$196

REGULAR SESSIONS

A.3140.----.4	Contractual - Probation	\$22,846
A.3150.----.4	Contractual - Jail	\$5,000
A.4010.----.4	Contractual - Public Health Admin	\$24,100
A.4010.NURS.4	Contractual - Public Health Admin-Nursing	\$28,536
A.4310.----.4	Contractual - Mental Hygiene Admin	\$5,982
A.4320.----.4	Contractual - Mental Hygiene Programs	\$2,026
A.6010.----.4	Contractual - Social Services Admin	\$180,626
A.6141.----.4	Contractual - Home Energy Assist Prog	\$172
A.6772.----.4	Contractual - Office for the Aging	\$1,194
A.7510.----.4	Contractual - Historian	<u>\$119</u>
	- Total	\$723,788

DECREASE APPROPRIATION ACCOUNTS:

A.1162.1140.4	Contractual - Unified Court Costs-Family Court	\$10,214
A.1170.----.4	Contractual - Public Defender	\$3,543
A.1330.----.4	Contractual - Real Property Tax	\$1,879
CS.1710.----.4	Contractual - Insurance Administration	\$12,060
A.1620.----.1	Personal Services - Buildings & Grounds	\$62,379
A.1620.----.8	Employee Benefits - Buildings & Grounds	<u>\$45,543</u>
	- Total	\$135,618

INCREASE REVENUE ACCOUNTS:

A.1620.5020.R241.0HRC	Use of Money & Property-Rental: HRC Building	\$14,027
A.1620.5030.R241.0CRT	Use of Money & Property-Rental: Court House	\$7,393
A.1620.5060.R241.0GOB	Use of Money & Property-Rental: Gerace Office Bld	\$16,162
A.1620.6050.R241.0PLZ	Use of Money & Property-Rental: D&F Plaza	\$4
A.1620.6080.R241.0NCB	Use of Money & Property-Rental: NCOB	\$34
A.1620.6090.R241.0JDV	Use of Money & Property-Rental: Jmst DMV Building	\$5
A.1620.7010.R241.0SCB	Use of Money & Property-Rental: SCOB	\$262,626
A.1620.----.R221.0OTH	Shared Services-Shared Services Other	\$12
A.4010.PHSA.R340.1000	New York State Aid-Public Health Grant	\$18,949
A.6010..R361.0000	New York State Aid-Social Services Admin	\$22,651
A.6010..R461.0000	Federal Aid-Social Services Admin	\$97,195
A.1620.----.R266.0000	Sale of Property/Compensa-Sale of Real Property	<u>\$75,000</u>
	-Total	\$514,058

DECREASE REVENUE ACCOUNTS:

A.1620.5070.R241.0MMB	Use of Money & Property-Rental: MVL Municipal Bld	\$9,649
CS.1710.----.R270.9000	Miscellaneous-Participant Assessments	<u>\$12,060</u>
	Total	\$21,709

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

Unanimously Adopted – April 25, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 110-18

Authorize Agreement for Purchase and Removal of County Owned Timber from Property #10 on County Route 474 in Town of Clymer

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua solicited competitive bids to sell approximately 81,203 board feet of marked hardwood sawtimber located on County owned property in the Town of Clymer and designated on the Chautauqua County Tax Map for the Town of Clymer as Section 380.00 Block 2 Lot 24 (Reforestation Parcel # 10); and

WHEREAS, bid invitations were sent to reliable bidders and two bids were received in response thereto; and

WHEREAS, R&B Holmes, 730 N. Main St, Youngsville, Pennsylvania 16371, submitted the highest bid for Reforestation Parcel # 10 with a bid in the amount \$44,880; and

WHEREAS, the total sale amount payable to Chautauqua County is \$44,880; and

WHEREAS, it is appropriate to accept the bids submitted by R&B Holmes Logging as the offered prices exceed the fair market appraisal; and

WHEREAS, pursuant to Resolution 164-02, all revenues the Department of Public Facilities Parks Division receives from timber sales are designated for capital improvement to the parks and trails; now, therefore, be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute agreements with R & B Holmes Logging for the sale and removal of sawtimber on the above-noted property at the above-stated price, with proceeds placed in the Parks Capital account; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 capital budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.7110.25002.4 Contractual—Parks-Parks Capital Improvements \$44,880

INCREASE CAPITAL REVENUE ACCOUNT:

H.7110.25002.R265.2000 Sale of Property/Compensa—Sale of Forest Products \$44,880

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

Unanimously Adopted – April 25, 2018

RES. NO. 111-18

Continuation of Interim Funding for North Chautauqua County Water District

By Public Facilities and Audit & Control Committees:
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 \$1 million 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, it is necessary for the District to extend the interim funding from the County through 2019 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 \$3 million to the District to be repaid to the County on or before December 31, 2019, 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: Hemmer, Scudder, Wilfong, Gould, Chagnon, Nazzaro, Muldowney, Niebel

Unanimously Adopted – April 25, 2018

REGULAR SESSIONS

RES. NO. 112-18

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

By Public Facilities and Audit & Control Committees:

At the Request of County Executive 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, the Village of Brocton (the "Village"), which will be one of the six (6) municipal purchasers of water from the District, was offered a loan in the amount of \$2,040,000 from the New York State Environmental Facilities Corporation (NYSEFC) to pay for a portion of the proposed capital improvements for the District, to include the construction of a new supply main from the existing water treatment plant to the Village of approximately 8,700 linear feet to appropriately provide for current and future demands (the "Capital Improvements");

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

RESOLVED, That the Chairman of the District is hereby authorized to enter into an IMA with the Village relating to the Capital Improvements to be financed by the loan from NYSEFC, on substantially the following terms and conditions:

Use, Operation, and Maintenance. During the term of the IMA, the District shall have exclusive use of the Capital Improvements for District purposes, and be solely responsible for the operation and maintenance of the Capital Improvements.

Term. The term of the IMA shall extend to the end of the term of the loan between NYSEFC and the Village, being thirty (30) years after the date the Village closes on the long-term financing with NYSEFC.

Payment. The District will make an annual payment to the Village equal to the amount of the Village's NYSEFC debt service payment obligation.

State Reimbursement. In the event the Village receives partial reimbursement for the Capital Improvements from the New York State Department of Corrections and Community Supervision (DOCCS), the reimbursement funds shall be transferred to the District.

Transfer of Capital Improvements Upon Termination of IMA. After the last loan payment is made by the Village to NYSEFC, the ownership of the Capital Improvements will be transferred by the Village to the District.

Other. As negotiated by the Chairman of the District, subject to approval as to legal form by the County Attorney.

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

Unanimously Adopted – April 25, 2018

RES. NO. 113-18

Authorizing Agreements with New York State Office of Parks, Recreation and Historic Preservation for use of State Owned Motorized Boats

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Office of the Sheriff is desirous of using state motorized boats for marine law enforcement purposes; and

WHEREAS, the New York Office of Parks, Recreation and Historic Preservation currently has available a McKee Craft outboard-driven patrol boat, a Brunswick outboard-driven patrol boat, and an Angler outboard driven patrol boat, with trailers for such purposes, and may make available other patrol boats in the future; and

WHEREAS, such equipment is available for use by the Office of the Sheriff for such use at no cost to the County provided that the County shall be responsible for all maintenance of this equipment; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into currently utilized intergovernmental agreements with the State of New York Office of Parks, Recreation and Historic Preservation for use of currently utilized State owned motorized boats for law enforcement purposes upon the forgoing terms and conditions, and within budget appropriations.

Signed: Niebel, Pavlock, Vanstrom, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 25, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 114-18

Authorize Execution of New York State Office of Homeland Security Funding Grant – Operation Stone Garden FY17

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice that the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for further implementation of Operation Stone Garden; and

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$68,336.00, with no local funds, for a contract period of September 1, 2017 through August 31, 2020; and

WHEREAS, this grant is included in the 2018 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 115-18

Authorize Execution of New York State Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY17

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$174,310.00 with no local funds required for the contract period from January 1, 2018 to December 31, 2018; and

WHEREAS, this grant is included in the 2018 budget, but the award is less than anticipated; now therefore be it

RESOLVED, That the Chautauqua County Executive is hereby authorized to execute the appropriate agreement with the New York State Office Homeland Security; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

DECREASE REVENUE ACCOUNT:

A.3020.DISP.R338.9002	New York State Aid – Oth Publ Safety: Dispatch	\$13,690
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DECREASE APPROPRIATION ACCOUNT:

A.3020.DISP.1	Personal Services – Publ Safety Communication, Consolidated Dispatching	\$13,690
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Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 116-18

Authorize Execution of Statewide Interoperability Communications (SICG) Grant Award FY17

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

WHEREAS, the State of New York will provide funding for an FY17 grant in the amount of \$647,798.00, with no local funds, for the performance period of January 1, 2018 through December 31, 2019; now therefore be it

RESOLVED, That the County Executive is hereby authorized to execute an agreement to secure the grant funding with the New York State Division of Homeland Security and Emergency Services.

Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

REGULAR SESSIONS

Unanimously Adopted – April 25, 2018

RES. NO. 117-18

Authorize Execution of Lease Agreement with Conterra Ultra Broadband, LLC for Tower Space

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Conterra Ultra Broadband, LLC desires to enter into an agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Harrington Hill Road in the Town of Mina, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of Conterra Ultra Broadband, LLC, and such tower space is not needed for public (governmental) purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to a lease with an initial five (5) year term of January 1, 2018 through December 31, 2022, with an optional five (5) year renewal period; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the lease agreement with Conterra Ultra Broadband, LLC granting the right to maintain an antenna and communications equipment at the County-owned tower located on Harrington Hill Road in the Town of Mina; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000 Unassigned Fund Balance	\$1,920
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.3020.PSCN.R241.0TWR Rental: Tower Lease	\$1,920
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Signed: Niebel, Vanstrom, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 118-18

To Approve New York State Environmental Facilities Corporation Agreement for Septic System Replacement Program

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, The Chautauqua County Department of Health and Human Services is interested in participating in the New York State Environmental Facilities Corporation's Septic System Replacement Program (Program) for the period of March 1, 2018 through December 31, 2022; and

WHEREAS, by participating in this Program the County has access to up to \$150,000 in grant funds, to be issued to property owners for septic system projects; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into Program agreements with the New York State Environmental Facilities Corporation for so long as the County has the opportunity to participate in this Program; and be it further

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

Signed: Wilfong, Pavlock, O'Connell, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 25, 2018

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RES. NO. 119-18
Accept Family Planning Grant Funding

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Health Department (NYSDOH) has awarded grant funding to Chautauqua County for the comprehensive Family Planning Program; and

WHEREAS, the \$1,142,188 award is for an additional two year extension to the original five-year contract cycle (01/01/10 – 12/31/15, which was extended previously through 12/31/17), covering the period 1/1/18 to 12/31/19; and

WHEREAS, the 2018 Chautauqua County Adopted Budget included an amount for this funding, but the actual grant amount is higher than was originally budgeted; now therefore be it

RESOLVED, That the County of Chautauqua accept this State grant to support comprehensive family planning and reproductive health programs that support critical health services to a most vulnerable population and work to build a sustainable health care system for the future of Chautauqua County residents; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County Department of Health continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal entities for the provision of services for so long as the County is mandated to provide program services; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.----.4 Contractual – Public Health Admin, Nursing	\$71,094
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INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R347.2FPL	New York State Aid –Family Planning	\$52,610
A.4010.NURS.R448.9FPL	Federal Aid – Other PH: Family Plan	<u>\$18,484</u>
	Total	\$71,094

Signed: Wilfong, Pavlock, O'Connell, Niebel, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 120-18

Authorize Acceptance of Funds from the Health Foundation for WCNY and P2 Collaborative of WNY for the Aging Master Program

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County OFA has received grant funds for an Aging Master Program for 2018 and 2019 from the Health Foundation for WCNY; and

WHEREAS, such funds are to be utilized to mitigate triggers of decline in older adults and promote healthy aging including exercise, sleep, healthy eating and hydration, financial fitness, advance planning, healthy relationships, medication management, community engagement and fall prevention; and

WHEREAS, Chautauqua County OFA will receive up to the following funds:

In 2018: \$15,000;
In 2019: \$15,000; and

WHEREAS, some funds were included in the 2018 Budget, however the funding source has changed, and the amount Chautauqua County has been awarded has increased since the budget was approved and implemented; now, therefore be it

RESOLVED, That the County of Chautauqua accepts this funding from Health Foundation of WCNY, which shall be distributed by the P2 Collaborative of WNY; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the P2 Collaborative of WNY and the Health Foundation of WCNY to obtain these funds; and be it further

RESOLVED, That the programs funded pursuant to the Aging Mastery Program shall sunset after the grant funds are exhausted; and be it further

REGULAR SESSIONS

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2018 Budget:

DECREASE REVENUE ACCOUNT:

A.6772.----.R377.2000 New York State Aid--OFA	\$ 5,100
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INCREASE REVENUE ACCOUNT:

A.6772.----.R197.2000 Departmental Income—Chrgs: Office for Aging	\$15,000
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INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1 Personal Services – Office for the Aging	\$ 2,819
A.6772.----.4 Contractual – Office for the Aging	\$ 6,100
A.6772.----.8 Employee Benefits – Office for the Aging	<u>\$ 981</u>
Total	\$ 9,900

Signed: Wilfong, Pavlock, O'Connell, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 121-18

Amend 2018 Budget to Accommodate New Position of Deputy County Executive for Economic Development

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, adopted Local Law Introductory No. 2-18 creates a new title of "Deputy County Executive for Economic Development";
and

WHEREAS, the newly created position will report directly to the County Executive, and the budget for the new position should be managed by the County Executive; and

WHEREAS, the funding for the position was included in the 2018 budget in the Department of Planning and Economic Development; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.1230.1 Personal Services—County Executive	\$55,435
A.1230.8 Employee Benefits—County Executive	\$29,021
A.8020.1 Personal Services—Planning	\$ 2,869
A.8020.8 Employee Benefits—Planning	<u>\$ 681</u>
Total	\$88,006

DECREASE APPROPRIATION ACCOUNTS:

A.6420.1 Personal Services—Promotion of Industry	\$70,779
A.6420.8 Employee Benefits—Promotion of Industry	<u>\$17,227</u>
Total	\$88,006

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 122-18

Establishing Energy Benchmarking Requirements for Certain County Buildings

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello and County Legislator Mark Odell:

WHEREAS, the reduction of greenhouse gas emissions and the advancement of energy efficiency are priorities for the County; and

WHEREAS, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the County is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Chautauqua County Legislature desires to use Building Energy Benchmarking, which is a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings, in order to promote the public health,

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safety, and welfare by making publicly available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in Chautauqua County; and

WHEREAS, the County Legislature desires to establish procedures or guidelines for County staff to conduct such Building Energy Benchmarking; therefore, be it

RESOLVED, That the following specific benchmarking and reporting policies and procedures are hereby adopted (the "Policy"):

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

Section 1. Definitions

Benchmarking Information. Information generated by Portfolio Manager, as herein defined, including descriptive information about the physical building and its operational characteristics.

Building Energy Benchmarking. The process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

Covered Municipal Building. A building or facility that is owned by the County that is 1,000 square feet or larger in size.

Department. The Chautauqua County Department of Public Facilities.

Director. The Director of the Chautauqua County Department of Public Facilities.

Energy. Electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

Energy Performance Score. The numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

Energy Use Intensity (EUI). The kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

Gross Floor Area. The total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

Portfolio Manager. ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

Utility. An entity that distributes and sells Energy to Covered Municipal Buildings.

Weather Normalized Site EUI. The amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

Section 2. Applicability

This Policy is applicable to all Covered Municipal Buildings as defined in Section 1 of this Policy.

The Director may exempt a particular Covered Municipal Building from the benchmarking requirement if the Director determines that it has characteristics that make benchmarking impractical.

Section 3. Benchmarking Required for Covered Municipal Buildings

The Director or the Department designee shall establish on Portfolio Manager a property profile for each Covered Municipal Building, enter property uses and details into each profile, and obtain monthly total Energy consumption data.

No later than May 15, 2018, and no later than May 15 every year thereafter, the Director or the Department designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

For new Covered Municipal Buildings that have not accumulated twelve (12) months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Director or the Department designee shall begin inputting data in the following year.

Section 4. Disclosure and Publication of Benchmarking Information

The Department shall make available to the public on the County's website Benchmarking Information for the previous calendar year no later than September 1, 2018 and by September 1 of each year thereafter for Covered Municipal Buildings.

The Department shall make available to the public on the County's website, and update at least annually, the following Benchmarking Information:

REGULAR SESSIONS

Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information;
and

For each Covered Municipal Building individually:

The status of compliance with the requirements of this Policy;

The building address, primary use type, and gross floor area;

Annual summary statistics including site EUI, Weather Normalized Source EUI, annual GHG (greenhouse gas) emissions, and an Energy Performance Score where available; and

A comparison of the annual summary statistics (as required by Section 4(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy was required for said building.

Section 5. Maintenance of Records

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

Section 6. Enforcement and Administration

The Director or the Department designee shall be the chief enforcement officer of this Policy.

The Director or the Department designee may promulgate regulations necessary for the administration of the requirements of this Policy.

Within thirty (30) days after each anniversary date of the effective date of this Policy, the Director or Department designee shall submit a report to the Chautauqua County Legislature. The information contained in said report shall include, but not be limited to, summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Director or Department Designee determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

Section 7. Effective Date

This Policy shall be effective immediately upon passage.

Signed: Odell, Chagnon, Himelein, Starks, O'Connell, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – April 25, 2018

RES. NO. 123-18 Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Foreclosed Owner	Offer Amount	Taxes Owning
PA-207-2017	Ellicott	063889-368.10-4-56	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-208-2017	Ellicott	063889-386.10-4-57	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-209-2017	Ellicott	063889-386.10-4-58	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-210-2017	Ellicott	063889-386.10-4-59	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 353.98
PA-211-	Ellicott	063889-	Randy A	Clifford J Kelley	\$ 500.00	\$ 339.50

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2017		386.10-4-60	Samuelson			
PA-212-2017	Ellicott	063889-386.10-4-61	Randy A Samuelson	Clifford J Kelley	\$ 500.00	\$ 412.45
				Total	\$3,000.00	\$2,167.87

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – R/C Vote: 19 Yes - April 25, 2018

LOCAL LAW
INTRODUCTORY NUMBER 7-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CHARTER

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

Section I. Amendments to County Charter.

A. Section 2.05(h) of the Chautauqua County Charter regarding the powers and duties of the County Legislature is hereby amended as follows:

(h) To appoint a Public Defender to serve as provided by law. The Public Defender shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by applicable law, and be directly responsible to the County Legislature.

B. Section 3.02(a) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

- (a) Be the chief executive officer and administrative head of the executive branch of county government. The executive branch shall be responsible for the administration, organization, and implementation of all functions of County government, except: (1) those functions under the control and supervision of the Sheriff, District Attorney, County Clerk, and Board of Elections; (2) the internal functions of the County Legislature; and

C. Section 3.02(c) of the Chautauqua County Charter regarding the powers and duties of the County Executive is hereby amended as follows:

(c) Exercise supervision and control of all executive branch entities, and shall prescribe, within budget appropriations, the staffing, internal organization and reorganization of such entities, including appointment of any heads of such entities, provided, however, that the appointment of the chief fiscal officer of the County, up to six (6) coroners, and the Special Assistant for Medicaid shall be subject to confirmation by the County Legislature. In this connection, the Executive shall have the power to determine who shall perform such duties and have such powers not otherwise clearly defined by the Charter.

Section II. Effective Date.

This Local Law shall take effect sixty (60) days after adoption, or upon approval by a majority of the qualified electors in the event a permissive referendum is held in accordance with Municipal Home Rule Law.

Adopted by Legislature: 4/25/18
Public Hearing by County Executive: 5/14/18
60 Day Permissive Referendum - 7/16/18
Adopted as Local Law 11-18

R/C Vote: 16 Yes; 3 No
(No's: Gould, Himelein, Niebel)
Date State Filed: 7/19/18

2nd Privilege of the Floor

Good evening, my name is Jim Cirbus, 4429 Lakeside Drive in Bemus Point and I'm here tonight representing the Chautauqua Lake Partnership, CLP and I would like to read you a statement. Mr. *(inaudible)* is passing that out right now.

The Chautauqua Lake Partnership, Inc., the Partnership, is an all-volunteer 501c3 non-profit corporation whose sole mission is improvement of Chautauqua Lake water quality and enjoyment. We have grown to over 425 members in our short time and over thousands of supporters, and have raised and spent over \$430k, \$135k of that was from individuals and businesses, since we redefined our mission to a lake-wide approach in early 2017. CLP Officers, Science and Regulatory Advisors and Board Members have dedicated thousands, literally thousands of volunteer hours to numerous and wide-ranging Chautauqua Lake improvement projects in the last 18 months.

Tonight we have good news for Chautauqua County. The Partnership has updated the invasive weed management work the County began with completion of its Supplemental Environmental Impact Statement, the SEIS, for herbicides back in 1990. Following that, the County invested several hundred thousand dollars over a period of 6 years to complete the Macrophyte Management Strategy, which we all refer to as the MMS, which was presented to the Legislature's Planning & Economic Development Committee just a year ago, in March 2017. The MMS concluded that herbicides were acceptable for widespread use in Chautauqua Lake. Unfortunately, the SEIS update initially planned to accompany the MMS was not completed and, contrary to prevailing opinion at the time, the New York State Department of Environmental Conservation has maintained its position that an SEIS is indeed required for herbicide permitting in Chautauqua Lake. We do appreciate the efforts of previous and current County legislators and Executives to return herbicides to Chautauqua Lake's weed management toolkit after their successful use for over 35 years, between 1955-1992.

Following from the County's efforts, we are happy to report that herbicides will now, once again, be available for weed management in Chautauqua Lake. The Partnership has supported completion of the required SEIS, updating the County's 1990 SEIS with the latest information on weed types and weed densities, lake flora and fauna and herbicides and herbicide application technology which is much improved over the intervening 28 years. The Town of Ellery and Arden Johnson, acting as the Lead Agency for the State Environmental Quality Review Act, provided determined leadership throughout and completed the SEQRA process on April 17, 2018 and this followed a 6-month concentrated effort with an expenditure of over \$250,000 funded by local our foundations, individuals and various businesses in the County.

The SEIS now completed and provides for herbicide treatments in 11 lakeside communities with the support of their municipalities which include the Towns of Ellery, Ellicott, Busti and North Harmony, and the Villages of Bemus Point and Celoron. Consistent with the SEIS, 9 herbicide permit applications submitted to the DEC by these lakeside Towns and Villages on March 16, 2018 for early season herbicide treatments, are currently being reviewed by the DEC. We anticipate permits to be issued by early May. That's a few weeks from now. Treatment contracts are being prepared, herbicides are being procured and logistics are being planned for these May treatments and these early treatments are necessary for optimal weed management and also to minimized impacts.

So 2018 is the County's opportunity to bring herbicide-based weed management, successfully used for over 35 years up until 1992 and clearly intended in the County's 1990 SEIS and 2017 MMS, back to Chautauqua Lake as we've all watched lake conditions deteriorate after a 25-year absence of this modality. Chautauqua Lake, often referred to as the "Jewel of Chautauqua County", the County's property tax "cash cow", is now choked by invasive weeds and infested with cyanobacteria and its various toxins, is at a "tipping point". The CLP and its many supporters would hope the County would "give back" some of the property tax revenue to Chautauqua Lake and fund Partnership projects similar the millions funded to other lake organizations over the past years. Specifically, your municipalities desperately need funding for 2018 herbicide treatments. The Partnership's re-emergence has been characterized by many as "the opportunity of a century", not to be dismissed and not to be repeated. And, if this opportunity is not seized upon by this legislature, it may well be memorialized as "the" last missed chance to prevent the final decline of Chautauqua Lake and the associated economic deterioration of Chautauqua County.

The Partnership needs \$500k from the County and in the new few weeks as I said and this is to fund DEC-permitted and supervised Town and Village herbicide treatment for removal of invasive weeds offshore their municipalities. The County actually began this effort decades ago, as I mentioned, when it completed its herbicide-supportive SEIS in 1990 and then followed through by completing its herbicide-supportive MMS last year. Then the Partnership "took the baton", so to speak, supporting the DEC-required Town of Ellery-led 2018 SEIS and facilitating permitting by the Towns of Ellery, Ellicott, North Harmony as well as the Village of Celoron. Now it's the County's turn again to "take the baton" back and fund their lakeside municipalities so that we may together, all successfully cross the finish line.

We ask that our lakeside legislators, Pierre Chagnon, Lisa Vanstrom, Jay Gould, PJ Wendel, and David Himelein sponsor an emergency \$500k funding resolution and that all other County Legislators support it for the sake of not only Chautauqua Lake but the whole of Chautauqua County. The time to act is now.

Thank you very much for your time and attention this evening.

My name is Anthony Toda. I live at 144 Clifton Avenue in Jamestown, New York. First I want to congratulate Mr. Borrello on his survey of the businesses in the County of Chautauqua. However, we have a Mayor in the City of Jamestown, Mayor Teresi, and an administration that needs to follow that type of grassroots hands on principal to attract good jobs back in the City. If we had good cooperation from our local people, specifically the cities and villages, it's going to be very difficult to try and make a success out of that issue as far as jobs are concerned. But my real reason I'm here is, I'm responding also to the problem with Chautauqua Lake as far as what was just said. I don't know how many papers carried this but the title of this article is Dutch Hollow Creek Water Quality Improvement Projects move forward. This is by the, I believe the Chautauqua Watershed. If anybody takes the time to read the watershed, the lay person will have a quick understanding of what is happening to our lake. Last year I came, we were discussing issues with the lake and there was a panel that was here and I asked the panel, I said, "do you know if there is any more raw feces being discharged into the lake and where those discharges are located?" They couldn't answer that question. My next question was, "do you know if there is any leach bed leakage into the lake, how many leach beds are not functioning properly and the extend of the leaching into the lake?" They couldn't answer that question either. I've been on the phone with Senator Gillibrand's office and I'm trying to - she's trying to - things are in the air concerning Federal money to address the lake. Probably that's what this needs. The lake had gone way beyond any (*inaudible*) like the gentleman just said. Chemicals in the lake, weed cutting. The problems with the lake have to be addressed from the shoreline back. So if somebody wants to fix this problem, you have to pipe the entire lake off. You have to forget about leach beds because they are going to leak nutrients and sewage into the lake. So your first line of defense is the shoreline. So you want to get money to pipe the entire lake off. Secondly you want to handle the amount of pesticide and other chemicals that are entering the lake from the cottages on the shore. So there is a responsibility here. A share of responsibility between the County and the people that have houses on the lake. They have a responsibility as far as payments. There is (*inaudible*) some responsibility as far as monetary payments by these people around the lake. Third as the watershed people have been talking about, the tributaries that come into the lake that are bringing in soiled deposits and also the phosphorus and nitrous that everybody is talking about. Finally, the areas around the lake called the watershed which is also being contaminated by the same phosphorus through farming and nutrients. So those four steps, if you don't address those, if you put another board in and waste the public's money and have a feasibility program or study, it's just wasting money. It's time to attack the lake from the shoreline back and do it in a way where it's pro-active. Thank you.

Mr. Arden Johnson, I'm the Supervisor of the Town of Ellery. The Town of Ellery is very honored to support the Chautauqua Lake Partnership. Chautauqua Lake needs some help and this Partnership needs help. The lake needs to be sprayed. I have lived on this lake for 50 years and it's getting worse and worse and worse every year. You cannot continue cutting weeds. Something has to be done more than that. We need to do our spraying and we need help from you people. Thank you.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing none, we'll close the 2nd privilege of the floor.

MOVED by Legislator Bankoski, SECOND by Legislator Gould and duly carried the meeting was adjourned. (7:40 p.m.)

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Regular Meeting
Chautauqua County Legislature
Wednesday, May 23, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present. (Absent: Rankin, Starks, Wilfong)

Chairman Wendel asked at this time to give a moment of silence for the passing of our previous County Clerk, Sandy Sopak.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (4/25/18)

Unanimously Carried

1st Privilege of the Floor

My name is Peter Weimer from We Wan Chu Cottages. I'm here to talk about the proposed increase in the North Chautauqua Lake Sewer District. We were basically informed about this just a few months ago and they had a public hearing. They proposed to double our sewer tax or fees from the southern part of Chautauqua Institution border to Manor Drive. That is going to impact our business by thousands of dollars. I'm respectfully asking you to postpone this vote for a month which will still give the sewer district what they need but it would pass it into the next quarter, September, October, November. Here it's going to ding us, June, July, and August and we haven't had the opportunity to raise our prices because we were informed about it such late into the project. We Wan Chu Cottages brought in almost \$24,000 last year in bed tax to Chautauqua County. And we didn't ask for anything. We bring in tens of thousands of dollars of property tax and we don't ask anything either. I'm asking you tonight not to spend either one of those dollars on any herbicide treatment that would shoot a hole in the tourism industry. We can't and you shouldn't take tourism dollars to harm us and you should do me a favor please and postpone this vote for an increase until next month which would push it into the next quarter and possibly save my family and I \$5,000 or more. Thank you for your time.

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 4/25/18

FISHING ESSAY AWARDS
2 GRAND PRIZE WINNERS
Conner Degnan and Mattea Hilliker
By
Sports Fishery Advisory Board
Chairman Wendel
County Executive Borrello

COMMUNICATIONS:

1. Letter – County Executive – Re: Apptmt. to Youth Board
 2. Quarterly Report – Small Business Development Center – 1/1-3/31/18
 3. Letter – NYS Dept. of State – Ack. Receipt of LL's 5, 6, 7, and 8-18
 4. Letter – Assemblyman Goodell – Ack. Receipt of Motion 4-18
-

RES. NO. 124-18
Confirm Appointments - Chautauqua County Youth Board

By Human Services 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 Youth Board.

Kathleen Geise
121 Hamlet St.
Fredonia, N.Y. 14063
Term Expires: 12/31/20

Angela Pucciarelli
8 Middlesex Dr.
Fredonia, N.Y. 14063
Term Expires: 12/31/20

Signed: Wilfong, O'Connell, Whitford, Pavlock

REGULAR SESSIONS

Unanimously Adopted – May 23, 2018

RES. NO. 125-18
Confirm User Charges – North Chautauqua Lake Sewer District

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District, the Administrative Body of the North Chautauqua Lake Sewer District, has, pursuant to Section 266 of the County Law, established a scale of charges for the collection, conveyance, treatment and disposal of sewage for the North Chautauqua Lake Sewer District, and

WHEREAS, such charges must be confirmed by the Chautauqua County Legislature before they become effective, now therefore be it

RESOLVED, That the *Charges by the North Chautauqua Lake Sewer District*, adopted by the Board of Directors of the North Chautauqua Lake Sewer District as the Administrative Body of such Sewer District and included below, are hereby confirmed.

Charges by the North Chautauqua Lake Sewer District

SECTION I

Pursuant to Section 266 of the County Law, there is hereby established and imposed a scale of charges for the collection, conveyance, treatment, and disposal of sewage upon real property served by public sewers of the North Chautauqua Lake Sewer District.

SECTION II
DEFINITIONS

As used herein, the following terms shall mean and include:

- A. *District*. The North Chautauqua Lake Sewer District, a county sewer district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law of the State of New York.
- B. *Administrative Head*. The Administrative Head or body of the North Chautauqua Lake Sewer District as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.
- C. *User*. The assessed owner of a parcel of property connected or required by applicable law to be connected to a sewer owned by the District.

SECTION III
UNITS PER PARCEL

The number of units attributable to each parcel of property served by public sewers of the District shall be determined as follows:

- A. A single family dwelling which generates wastewater associated with normal daily activity produced in households, which may include wastewater from bathrooms, lavatories, toilets, kitchens and laundries shall consist of one unit.
- B. Each separate dwelling unit within one building shall consist of one unit.
- C. Each site used or improved by means of a concrete pad or otherwise for the location of a mobile home or similar movable structure and having a sewer line extended to said site shall consist of one unit regardless of the presence of a mobile home or similar movable structure upon said prepared site.
- D. The unit designation of all other uses shall, at minimum be based on volume and consist of a number rounded to the nearest tenth of a unit, determined by dividing the actual or estimated quarterly water use in gallons by 17,500 gallons provided, however, that each such use shall consist of a minimum of one unit. If quarterly water use is estimated, such estimate shall be based upon the actual quarterly water meter reading of the municipality or water district providing water service to the parcel ending sometime within the three months immediately preceding the billing date as stated in Section V herein, if such reading is available from the municipality at the time of the billing date. The District shall cause water meters to be read periodically as needed for the administration of the scale of charges established herein for all uses embraced by this paragraph. Water used in a manner so that it will not enter the sanitary sewer in conformity with the regulations of the District need not be included in determining actual water use provided it is separately metered. If water use is not metered at the time of the enactment of this ordinance and is not part of a public water distribution system, a water meter shall be installed and maintained by the District and the District shall make a separate charge for the actual cost of the meter and its installation listed separately on a subsequent quarterly sewer charge bill.
- E. In the event any user's discharge to the treatment works is of such a strength, such a volume, at such a delivery flow rate or toxic to increase the cost of operation and maintenance of the treatment works, the unit allocation for that user shall be increased (beyond that determined strictly by wastewater volume) to insure a proportional distribution of operation and maintenance cost to each user or user class. At minimum, the District can utilize criteria identified in the Local Law Regulating Sewer Use, Chautauqua County Local Law 6-94 to justify increasing a unit allocation.

JOURNAL OF PROCEEDINGS

SECTION IV
SCALE OF CHARGES

Pursuant to Section 266 of the County Law, charges for collection, conveyance, treatment and disposal of sewage shall be as follows.

REGION 1, which includes all properties whose waste is treated by the North Chautauqua Lake Sewer District: \$135.00 per unit per quarter.

REGION 2, which includes all properties whose waste is treated by the Chautauqua Utility District: \$185.00 per unit per quarter.

SECTION V
BILLING

A. The Administrative Head shall quarterly fix the amount to be charged to each parcel served by public sewers of the District under Section 266 of the County Law by multiplying the number of units attributable to each parcel of property under Section III hereof by the charge per unit set forth in Section IV hereof for quarters ending on the last day of February, May, August and November, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the tenth day of the following month, which bill shall be due within thirty (30) days of the date when it is mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bill which remains unpaid thirty (30) days after the date on which it was mailed.

B. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

SECTION VI
APPEALS

In accordance with Section 266 of the County Law and Resolution 19-79 of the Chautauqua County Legislature, the following procedure is established for taking appeals from the rate fixing determinations of the Administrative Head of the District:

A. All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 by Certified Mail, Return Receipt Requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable and not in accordance with Section 266 of the County Law, and shall state the address to which notices to the property owner shall be sent.

B. Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreement with the result requested or by notifying the property owner in writing of its reasons for denying the appeal. In the latter case, the Board shall transmit a copy of the appeal and the response to it to the Chairman of the Chautauqua County Legislature.

C. The Chairman of the Chautauqua County Legislature shall appoint, within thirty (30) days of receipt of transmittal of the appeal papers, a three member committee to review the appeal and respond and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint either a standing committee to hear such appeals or may appoint *ad hoc* committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to members of the committee.

D. Within forty-five (45) days of receipt of the appeal papers, the committee shall submit a proposed resolution to the Chautauqua County Legislature for resolution and decision of the appeal. If the committee shall desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes, specifying the area and means of the intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment or non-payment. The District shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notices, except the billing of the District made under this appeal procedure shall be by Certified Mail, Return Receipt Requested showing the party to whom delivery was made and shall be complete upon mailing to the North Chautauqua Lake Sewer District, 50 Clark Street, P. O. Box 167, Mayville, NY 14757-0167 or the property owner at the address stated in his appeal.

SECTION VII
SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or other part of this resolution shall be adjusted by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this resolution are hereby declared to be severable.

SECTION VIII
EFFECTIVE DATE AND REPEALER

This law shall be effective June 1, 2018. The law confirmed by Resolution 155-13 of the Chautauqua County Legislature shall be repealed prospectively as of May 31, 2018.

REGULAR SESSIONS

THE ABOVE LANGUAGE WAS DULY ADOPTED BY THE BOARD OF DIRECTORS OF THE NORTH CHAUTAUQUA LAKE SEWER DISTRICT

On the 17th Day of April, 2018, after the holding of a Public Hearing as noticed in the attached AFFIDAVITS OF PUBLICATION (County Law §266, and County Legislature Resolution 18-79 as amended by Resolution 37-18).

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

TABLED – May 23, 2018 (MOVED by Legislator Scudder, SECONDED by Legislator Gould) *Carried* - (No's: Hemmer, Himelein, Nazzaro, Chagnon, Vanstrom)

RES. NO. 126-18

Adjust CARTS 2018 Budget to Reflect Additional Funding

By Public Facilities and Audit & Control Committees
At the Request of County Executive George M. Borrello:

WHEREAS, New York State has recognized the need for additional funds to support rural transportation and, under the Rural Transit Assistance program, has appropriated additional funds for Chautauqua County in the amount of \$136,246; and

WHEREAS, it is appropriate to accept these grant funds to provide rural transportation services in the County; and

WHEREAS, no revenue for Rural Transit Assistance was included in the 2018 operating budget, and

WHEREAS, expenditures associated with the execution of these grants were included in the 2018 operating budget, and

WHEREAS, the budget should be amended to conform to these adjustments; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documentation on behalf of Chautauqua County with New York State in connection with this funding; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000Unassigned Fund Balance –Unassigned Fund Balance	\$136,246
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following change to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.5630.5625.R358.9000 NYS Aid – Transportation	\$136,246
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 23, 2018

RES. NO. 127-18

Authorization for Funding to Replace the Fabric Cover on the Charlotte Salt Shed

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Department of Public Facilities has several fabric-covered salt sheds located throughout the County; and

WHEREAS, the fabric cover on the salt shed located at 7059 Rood Road in the Town of Charlotte has become worn and ripped during the recent winter months and is no longer providing proper coverage for the salt storage; and

WHEREAS, it is vital to the winter road deicing operations that the salt is stored in a dry environment, and the cover needs to be replaced; and

WHEREAS, the Department of Public Facilities obtained estimates from a vendor for the replacement of the fabric cover; and

WHEREAS, the Department of Public Facilities completed a Capital Project Request Form to request funding for a project to replace the fabric cover and submitted it to the Chautauqua County Planning Board for review; therefore be it

RESOLVED, That the Legislature for the County of Chautauqua approves the use of capital reserve funding to establish a budget for the replacement of the fabric cover at the Charlotte Salt Shed; and it is further

JOURNAL OF PROCEEDINGS

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance—Reserve for Capital	\$ 18,039
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;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfer—Interfund Transfers	\$18,039
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5130.25004.4 Contractual—Charlotte Salt Shed (2018)	\$18,039
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.5130.25004.R503.1000 Interfund Transfers – Interfund Transfer	\$18,039
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 23, 2018

RES. NO. 128-18
Adjust D5112 – Capital Improvement Accounts

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County's transportation system, which includes roads and bridges, is essential to everyone and it contributes to economic development, job creation and to quality of life; and

WHEREAS, proper maintenance and funding are essential to keeping our roads and bridges in good repair; and

WHEREAS, the Chautauqua County capital budget includes \$3,738,198 in CHIPS funding for capital improvement; and

WHEREAS, New York State has adjusted the 2018-2019 CHIPS appropriations for Chautauqua County to \$3,735,030.14; and

WHEREAS, the Chautauqua County capital budget includes \$853,089 in PAVE-NY funding for capital improvement; and

WHEREAS, New York State has adjusted the 2018-2019 PAVE-NY appropriations for Chautauqua County to \$852,557.80; and

WHEREAS, New York State has recognized the need for additional funds due to extreme winter weather and has appropriated additional funds under the EWR program in the amount of \$547,296.36; and

WHEREAS, the County's budget should be amended to conform to these adjustments to funding; now therefore be it

RESOLVED, That the County Executive be and hereby is authorized to execute all necessary documents on behalf of Chautauqua County with New York State, in connection with this funding; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

D.5112.391.4 Contractual – Highway Improvements	\$543,596
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DECREASE REVENUE ACCOUNT:

D.5112.-----R350.PAVE NYS Aid – NYS Aid PAVE NY	\$532
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DECREASE REVENUE ACCOUNT:

D.5112.-----R350.1000 NYS Aid – NYS Aid CHIPS	\$3,168
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INCREASE REVENUE ACCOUNT

D.5112.-----R350.EWR NYS Aid--NYS Aid--Extreme Weather Recovery	\$547,296
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney

Unanimously Adopted – May 23, 2018

REGULAR SESSIONS

RES. NO. 129-18

Authorization of Funding to Replace Boiler at the Mayville Municipal Building

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County owns the Family Court portion of the Mayville Municipal Building (MMB) located at 2 Academy Street in the Village of Mayville; and

WHEREAS, the heat provided to the Family Court space is supplied by a redundant dual Thermal Solutions boiler system contained in an Aaon Roof Top Enclosure at the MMB; and

WHEREAS, one of the boilers developed several issues at the onset of the last heating season, including a leak in the heat exchanger and a malfunctioning burner assembly, and is currently not operational; and

WHEREAS, the dual boilers are provided for redundancy in the heating, and if the other working boiler goes down for any reason the space would be without heating; and

WHEREAS, it is not recommended to go through another heating season without the redundancy; and

WHEREAS, the Department of Public Facilities obtained estimates from a contractor for both the repair and replacement of the boiler and has determined that the replacement option is the most advantageous; and

WHEREAS, the repair would not include a warranty/guarantee period on the longevity of repair, so it is recommended to have a new replacement boiler installed; therefore be it

RESOLVED, That the Legislature for the County of Chautauqua approves the use of capital reserve funding to establish a budget for the boiler replacement to allow the Department of Public Facilities to proceed with the boiler replacement; and it is further

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000	Fund Balance--Reserve for Capital	\$57,000
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;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9	Interfund Transfer—Interfund Transfers	\$57,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.1620.25005.4	Contractual—MMB Boiler Replacement (2018)	\$57,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.1620.25005.R503.1000	Interfund Transfer – Interfund Transfer	\$57,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Chagnon, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 130-18

Amend 2017 Budget for Year End Reconciliations – Final Adjustments

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some department expenses exceeded initial budgetary estimates, as well as some appropriations had a surplus; now therefore be it

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

INCREASE APPROPRIATION ACCOUNTS:

EL.8160.7000.8	Employee Benefits - Environment-Recycling	\$5,166
EL.8189.-----8	Employee Benefits - Oth Env-House Haz Waste	\$94
ESN.8110.8112.8	Employee Benefits - Administration-Administration	\$3,150
ESN.8130.8132.8	Employee Benefits - Sewage Treatment-Sewage Treatment	\$430
ESS.8110.-----8	Employee Benefits - Administration	<u>\$9,012</u>

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Total \$17,852

DECREASE APPROPRIATION ACCOUNTS:

EL.8160.1000.8	Employee Benefits - Environment-Landfill	\$5,260
ESN.8120.8122.2	Equipment - Sanitary Sewers-Sanitary Sewers	\$3,580
ESS.8110.----.4	Contractual - Administration	<u>\$9,012</u>
	- Total	\$17,852

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

Unanimously Adopted – May 23, 2018

RES. NO. 131-18

Resolution in Support of Chautauqua County Veterans Memorial State Highway Designations

By Public Facilities Committee:

At the Request of Legislators Vanstrom, Wilfong, Davis, Niebel, Odell, Starks, Rankin, Bankoski, Gould, Nazzaro, Hemmer, and Scudder and Chairman Paul Wendel:

WHEREAS, Private Charles S. Cooper, Jr. lost his life during combat operations while serving in Iraq in 2005; and

WHEREAS, Sergeant Jonathan A. Gollnitz lost his life during combat operations while serving in Afghanistan in 2012; and

WHEREAS, Sergeant James C. Matteson lost his life during combat operations while serving in Iraq in 2004; and

WHEREAS, Lance Corporal Aaron M. Swanson lost his life during combat operations in Afghanistan in 2011; and

WHEREAS, Staff Sergeant David W. Textor lost his life during combat operations in Iraq in 2008; and

WHEREAS, these men embody the type of heroic soldiers who dedicated their lives to the cause of freedom for our great nation, making the ultimate sacrifice; therefore be it

RESOLVED, That the Chautauqua County Legislature supports the State of New York's designation of portions of State Highways within Chautauqua County in memory of the following Gold Star Heroes:

- Private Charles S. Cooper, Jr. – NYS Route 60 (North in the City of Jamestown, running by Lakeview Cemetery)
- Sergeant Jonathan A. Gollnitz – NYS Route 20 (Village of Fredonia)
- Sergeant James C. Matteson – NYS Route 394 (West Ellicott near Celoron)
- Lance Corporal Aaron M. Swanson – NYS Route 394 (Lakewood)
- Staff Sergeant David W. Textor – NYS Route 394 (Between Kennedy and Falconer);

and be it further

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

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 132-18

Accept William G. Pomeroy Foundation Grant to Provide Historical Marker for Women's Rights Convention

By Administrative Services and Audit & Control Committees:

At the Request of County Executive George M. Borrello and Legislators Elisabeth Rankin, Christine Starks and Lisa Vanstrom:

WHEREAS, the County Historian has successfully applied through the William G. Pomeroy Foundation for grant funds through the Historical Marker Program for an historical marker in the amount of \$1,066.00 to commemorate the first NYS Women's Rights Convention which was held at the Chautauqua County courthouse on December 24, 1854, and

WHEREAS, the County Historian will use the grant proceeds to pay for the marker, pole, and shipping, covering the entire cost of the historical marker, and

WHEREAS, the historical marker will be placed in front of the County Courthouse where it will promote the County's role in the Women's Suffrage Movement and will enhance heritage tourism, therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the necessary agreements with the William G. Pomeroy Foundation in the amount of \$1,066.00, and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.7510.----.4	Contractual—Historian	\$1,066
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INCREASE REVENUE ACCOUNT:

A.7510.----.R270.5HIS	Miscellaneous—Gifts & Donations: Histor	\$1,066
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Signed: Scudder, Davis, Muldowney, Starks, Chagnon, Nazzaro, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 133-18
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**October 1, 2017 through March 31,
2018**

TOWNS		CITIES	
Arkwright	8,130.97	Dunkirk	18,032.04
Busti	65,158.95	Jamestown	100,917.35
Carroll	12,752.19		
Charlotte	3,863.21	TOTAL	\$118,949.39
Chautauqua	53,040.73		
Cherry Creek	2,408.50		
Clymer	4,279.26		
Dunkirk	9,770.34		
Ellery	47,925.35	Bemus Point	3,213.85
Ellicott	89,631.64	Brocton	1,239.27
Ellington	5,096.97	Cassadaga	991.52
French Creek	6,554.70	Celoron	5,288.88
Gerry	17,362.77	Falconer	10,539.61
Hanover	35,663.04	Fredonia	17,393.42
Harmony	12,091.93	Lakewood	19,360.73
Kiantone	9,279.46	Mayville	4,191.41
Mina	20,354.91	Panama	1,492.98
North Harmony	13,559.98	Sherman	1,552.08
Poland	7,542.40	Silver Creek	4,136.72
Pomfret	33,735.52	Sinclairville	1,106.14
Portland	13,687.13	Westfield	9,971.49
Ripley	8,323.01		
Sheridan	12,540.43	TOTAL	\$80,478.10
Sherman	9,017.02		
Stockton	5,474.34		

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Villanova	4,630.08	
Westfield	27,215.99	
TOTAL GRAND TOTAL	\$539,090.82	\$738,518.31

Signed: Scudder, Gould, Davis, Muldowney, Starks, Chagnon, Nazzaro

Unanimously Adopted – May 23, 2018

RES. NO. 134-18

Approving Consolidation of Vital Statistics Registrar Districts Between Town of Portland and Village of Brocton

By Administrative Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Portland adopted a resolution on April 18, 2018 approving the consolidation of the Town of Portland and the Village of Brocton into one primary Vital Statistics Registration District; and

WHEREAS, the Village of Brocton also adopted a resolution on April 18, 2018 approving the consolidation; and

WHEREAS, Section 4120 of the Public Health Law requires the approval of the legislative body of the county where such vital statistics districts are located; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the consolidation of the Town of Portland and the Village of Brocton Vital Statistics Registration Districts into one District (669); and be it further

RESOLVED, That certified copies be forwarded to the Town of Portland and the Village of Brocton.

Signed: Scudder, Starks, Muldowney, Davis

Unanimously Adopted – May 23, 2018

RES. NO. 135-18

Authorize Agreement with Village of Mayville for Enhanced Police Protection Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Mayville has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Village during the 2018 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Village of Mayville for the period of June 16, 2018 through September 4, 2018 for an estimated cost not to exceed \$10,000.00, based on an hourly rate of at least \$39.58 and a holiday hourly rate of at least \$49.79; and

WHEREAS, this contract is included in the 2018 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Village of Mayville for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 136-18

Authorize Agreement with Town of Hanover for Enhanced Police Protection Services

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Hanover has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2018 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Hanover for additional patrols in the Sunset Bay area for the period of May 26, 2018 through September 4, 2018 for an estimated cost not to exceed \$8,000.00 based on an hourly rate of at least \$39.58 and a holiday hourly rate of at least \$49.79; and

REGULAR SESSIONS

WHEREAS, this contract is included in the 2018 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Hanover for enhanced police services as set forth above with revenues to be credited to account A.3110.R226.0000.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 137-18

Authorize Agreement with Village of Silver Creek for Court Security Detail

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of May 1, 2018 through December 31, 2018, for an estimated cost not to exceed \$3,500.00, based on an hourly rate of at least \$29.49; now therefore be it

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

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 138-18

Authorize Execution of New York State Division of Criminal Justice Services Grant – Southern Tier Regional Drug Task Force FY17

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Office of the Sheriff received notice the New York State Division of Criminal Justice Services approved the application submitted for Narcotic Control; and

WHEREAS, the State of New York will provide funding in the amount of \$45,000.00 for contract T102807 with no local funds, for contract period from January 1, 2018 to December 31, 2018; and

WHEREAS, this grant is included in the 2018 Budget so no budget amendments are needed; now therefore be it

RESOLVED, The County Executive is authorized to execute an agreement to secure the grant funding with the New York State Division of Criminal Justice Services.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 139-18

Authorize Agreement with Pine Valley Central School District for Provision of Space for Sheriff's Sub-Station

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Sheriff desires to have access to space to serve as a sub-station at the Pine Valley Central School District; and

WHEREAS, the Pine Valley Central School District can accommodate the Sheriff's request by providing suitable space within the Junior/Senior High School Complex located at 7827 Route 83 in South Dayton; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Pine Valley Central School District for the use of space for a sub-station with no rental fee to the County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Pine Valley Central School District for the purpose of providing space for a Sheriff's sub-station.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

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RES. NO. 140-18

Authorize Acceptance of the Gun Involved Violence Elimination Grant ("GIVE") Funds for 2018-2019

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Division of Criminal Justice Services (DCJS) has awarded \$185,075 to the multi-agency "GIVE" Task Force to reduce violent crimes in the primary jurisdictions of the County of Chautauqua and the City of Jamestown; and

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

WHEREAS, the City of Jamestown Police Department has been awarded \$69,721 of the total "GIVE" funding and will sign and administer a separate contract with the New York State Division of Criminal Justice Services (DCJS) for said funding; and

WHEREAS, the Chautauqua County Agencies consisting of the office of the District Attorney (\$79,378.00), the office of the Chautauqua County Sheriff (\$26,247.00) and the office of Probation (\$9,729.00) will share the balance of such funds; and

WHEREAS, the office of the District Attorney, Sheriff and Probation have included a portion of these grant funds in the 2018 budget with the balance to be included in the 2019 budget; now, therefore be it

RESOLVED, That the County of Chautauqua accepts the grant and authorizes the County Executive to execute the Gun Involved Violence Elimination Grant ("GIVE") contract with the New York State Division of Criminal Justice Services (DCJS) in the amount of \$185,075 for the term of July 1, 2018 to June 30, 2019.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 141-18

Authorize Acceptance of the 2018 Stop Violence Against Women (VAWA) Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Offices of the District Attorney and Sheriff have been awarded a grant in the amount of \$66,750.00 from the New York State Division of Criminal Justice Services 2018 Stop Violence Against Women (VAWA) Grant Program to be used from the period of January 1, 2018 to December 31, 2018; and

WHEREAS, the local match requirement will be provided by third party and in-kind services; and

WHEREAS, such funds are to be utilized for an Assistant District Attorney designated as a Special Victim's Prosecutor, a part-time Deputy Sheriff, and a Spanish Interpreter/Victim Advocate/Cultural Liaison; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Division of Criminal Justice Services (DCJS) to accept a Stop Violence Against Women (VAWA) grant; and be it further

RESOLVED, That it is the intent of the County Legislature that any staff positions created and funded pursuant to this program will not be continued should the grant not be re-funded; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2018 budget:

<u>INCREASE APPROPRIATION ACCOUNT:</u>		
A.1165.----.2	Equipment-District Attorney	\$12,800
<u>DECREASE APPROPRIATION ACCOUNT:</u>		
A.1165.----.4	Contractual-District Attorney	\$12,800

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

REGULAR SESSIONS

RES. NO. 142-18

Authorize Acceptance of the Crimes Against Revenue Program Grant ("CARP") for Funds for 2018

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$80,400 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period of January 1, 2018 to December 31, 2018; and

WHEREAS, such funds are to be utilized to develop and implement an effective enforcement strategy ("strategic plan") in collaboration with the State Department of Taxation and Finance (DTF) and other governmental agencies, as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2018 adopted budget so no budget amendments are necessary; therefore, be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to detect, investigate, prosecute and deter revenue crime; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds.

Signed: Vanstrom, Bankoski, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 143-18

Amend 2018 Budget Appropriations and Revenues Associated with Juvenile Services Team (JST)

By Public Safety, Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Department of Probation and the Department of Health and Human Services will execute a Cooperative Agreement regarding their implementation of a county- wide, co-located Juvenile Services Team (JST) ; and

WHEREAS, appropriations and revenues associated with the JST are included in the 2018 adopted Budget, but the program revenue is expected to exceed the budgeted revenue, and the allocation of appropriations and revenues will be different than originally planned; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance	\$ 19,202
	; and be it further	

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services—Social Services Admin	\$197,381
A.6010.----.8	Employee Benefits—Social Services Admin	<u>\$106,465</u>
	Total	\$303,846

DECREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services—Probation	\$197,381
A.3140.----.8	Employee Benefits— Probation	<u>\$106,465</u>
	Total	\$303,846

INCREASE REVENUE ACCOUNTS:

A.6010.----.R361.0000	New York State Aid—Social Services Admin	\$ 38,100
A.6010.----.R461.0000	Federal Aid—Social Services Admin	<u>\$163,500</u>
	Total	\$201,600

DECREASE REVENUE ACCOUNT:

A.3140.----.R226.1000	Shared Services—Chrgs: Oth Gov-Pub Safety	\$182,398
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Signed: Vanstrom, Bankoski, Whitford, Pavlock, Wilfong, O'Connell, Chagnon, Gould, Nazzaro, Muldowney

Unanimously Adopted – May 23, 2018

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RES. NO. 144-18

Authorize Capital Project for Purchase of Microsoft Surface Pros

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, The Chautauqua County Department of Health and Human Services is interested in subscribing to Northwoods Consulting Partners Inc.'s (Northwoods) Traverse software for use by its Child Protective Services (CPS) Division; and

WHEREAS, Northwoods' Traverse software has enabled other New York State Counties to increase the efficiency of their CPS workers by streamlining and improving case record keeping; and

WHEREAS, Northwoods' Traverse software will be used in the field by CPS workers, necessitating the purchase of 60 Microsoft Surface Pros at a cost of \$1,370 each for a total of \$82,200; and

WHEREAS, this Project is eligible for State and Federal funding at a combined rate of approximately 65%; therefore be it

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

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—	
Reserve for Capital	\$ 27,662

;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfers—Interfund Transfers	\$ 27,662
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.6010.31001.4 Contractual—CPS Northwoods Software	\$ 82,200
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.6010.31001.R503.1000 Interfund Transfers – Interfund Transfer	\$ 27,662
H.6010.31001.R368.9001 New York State Aid--Soc Srvcs	
Capital Funding	\$ 10,307
H.6010.31001.R468.9001 Federal Aid— Soc Srvcs Capital Funding	<u>\$ 44,231</u>
Total	<u>\$ 82,200</u>

Signed: Wilfong, O'Connell, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

RES. NO. 145-18

To Accept Increased Cancer Services Grant Funding

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Health Department (NYSDOH) has awarded an increase in grant funding to Chautauqua County for the Integrated Breast, Cervical and Colorectal Cancer Screening Program; and

WHEREAS, the 2018 Chautauqua County Adopted Budget included an amount for this funding, but the actual grant amount is higher than was originally budgeted; now therefore be it

RESOLVED, That the County of Chautauqua accept this additional State and Federal grant funding to support the County's Cancer Services Program; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County Department of Health continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements with municipal entities for the provision of services for so long as the County is mandated to provide program services; and be it further

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNT:

A.4010.NURS.----.4 Contractual – Public Health Admin, Nursing	\$19,647
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INCREASE REVENUE ACCOUNTS:

A.4010.NURS.R340.1BSE	New York State Aid –Publ Hlth: Breast Screen	\$15,647
A.4010.NURS.R440.1BSE	Federal Aid – Breast Screening	<u>\$ 4,000</u>
	Total	\$19,647

Signed: Wilfong, O'Connell, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – May 23, 2018

LOCAL LAW
INTRODUCTORY NO. 8-18
CHAUTAUQUA COUNTY

A Local Law Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees
(RE: Chairman of the North County Industrial Water District No. 1 and Chairman of the North County Industrial Sewer District No. 1)

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

Section 1 . Purpose.

Pursuant to the adopted 2018 County budget, separate appropriation amounts are allocated to the personal services accounts of the North County Industrial Water District No. 1 (\$4,500), and the North County Industrial Sewer District No. 1 (\$1,500). The personal services appropriations of the two districts fund the annual designated flat salaries of each district's chairman. However, the existing County management salary plan still refers to a single combined title for the chairs of the two districts. It is therefore appropriate that the combined title be separated into two individual titles (one for each district), even though the two districts' chairman positions have traditionally been held by the same person.

Section 2 . Amendments.

Local Law 7-90 of the County of Chautauqua, providing for a management salary plan for County officers and employees, is amended as follows:

- a. The non-scheduled title of "Chairman, North Industrial Water District #1 and Sewer District #1," is eliminated from the management salary plan.
- b. The following non-scheduled titles shall be added to the management salary plan at the designated annual flat salaries listed below, and the annual flat salary shall be a cap on the amount which may be paid for a full year of service:

Chairman, North County Industrial Water District No. 1 – \$4,500
Chairman, North County Industrial Sewer District No. 1 – \$1,500

Section 3. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 5/11/18

Adopted by Legislature: 5/23/18

Public Hearing by County Executive: 6/6/18

Adopted as Local Law 10-18

R/C Vote: 16 Yes; 3 Absent

Date State Filed: 6/11/18

2nd Privilege of the Floor

Hi, I'm Jim Wehfritz and this is Jim Cirbus and we're here representing the Chautauqua Lake Partnership. We appreciate the opportunity to talk to you tonight, shortly. What Jim is holding here is the supplemental environmental impact statement, the SEIS, for herbicides in Chautauqua Lake. This document was to be developed as part of the County's macrophyte management strategy, the MMS, and is necessary for implementation of herbicide based weed management in Chautauqua Lake. SEIS development and its processing consistent with the New York State Environmental Quality Review Act was removed from the MMS scope in the fourth quarter 2016. The SEIS, this document and it's SEQRA processing was completed on April 17, 2018. The Town of Ellery as lead agency was supported by thousands of volunteer hours by the Chautauqua Lake Partnership and over \$250,000 in generous contributions from the Chautauqua Regional Community and Lenna Foundations that was \$169,000, individuals and businesses over \$53,000 and the Towns of Ellery, North Harmony, and Busti and the Villages of Bemus Point and Lakewood, \$28,000. Now, for the first time in over 25 years, significant herbicide treatments will join weed harvesting for the optimal management of invasive weeds in Chautauqua Lake. Permits have already been issued for this in the 2018 season.

Mr. Cirbus: As you recall on April 25th of this year the Chautauqua Lake Partnership made a formal request to the Chautauqua County Legislature, legislative body, for \$500,000 to fund this 2018 Chautauqua Lake herbicide treatment program. The request was subsequently reduced to \$300,000 anticipating reductions as permits were eventually granted. The CLP realizes that all the Legislators with

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constituents near Chautauqua Lake, in the north County, and all the other areas understand the lakes importance to the economic interest and quality of life of all residents in Chautauqua County. CLP was confident that required 10 of 19 votes would be cast in favor of this critical funding resolution. Unfortunately we couldn't really get a Legislator to introduce this funding resolution requested on the 25th and as a result no vote was taken at this meeting of the Legislature. However, we all remain hopeful that Chautauqua County will assist this funding for the 2018 Chautauqua Lake herbicide treatment program, the first significant such opportunity in over 25 years. This has all been as the result of the leadership of the Town of Ellery, participations by the Towns of North Harmony, Busti, Ellicott, and the Villages of Celoron and Bemus Point with the support and facilitation of the CLP. We have a poster but basically we're hoping the County can dig deep and find some funding here at the last minute to help us. We're aiming for the first week in June. We have everything in order and we'll talk more about this at the rally which PJ, Mr. Wendel just mentioned and we hope that all the Legislators and any others that seek improvement of the lake, attend this meeting on Memorial Day weekend. It's Saturday, from 8:00 to 10:30 at it's at the Village Casino in Bemus Point. We thank you for your time and cooperation.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (6:58 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, June 27, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

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

Chairman Wendel: I would like to ask for a moment of silence for a long time County Legislator, Joseph Trusso, who passed since our last meeting.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (5/23/18)

Unanimously Carried

1st Privilege of the Floor

Hi, my name is Sophia Willis, I'm the Chautauqua County Alternate Dairy Princess. I live on my family's dairy farm in Dewittville, New York. We have about 750 cows. I have done the 4-H program – I have been in the Dairy Princess program for five years and in the 4-H dairy programs a lot more years than that. I show my cows at the Chautauqua County Fair and I just really love – it's really such a great opportunity for me to be here and to be part of the Chautauqua County Dairy program. So now, I'll hand it over to the Chautauqua County Dairy Princess, Ashley Haskins.

Good evening everyone. My name is Ashley Haskins. Thank you for having me here tonight. I would like to recognize the month of June as being Dairy Month. In the Town of Ellington, New York, where I have lived on my grandparents farm for almost all of 17 years, we have 700 acres of land with 44 head of milking cows and almost 100 heifers and calves that I care for daily. I am very grateful to represent Chautauqua County in all of its hard working farm families like my family in the 2018 and 2019 year as well as I did last year as your Chautauqua County Alternate Dairy Princess. These farm families give 15 cents from every milk check, per 100 weight, to promote the dairy industry and dairy products. Claiming the National Dairy month, June used to be known as National Milk Month, started in 1937 to encourage consumption of milk and other dairy products. Recently crowned as the new County Dairy Princess, I have been working hard to educate the public and reach consumers with as many promotional events possible in one month. June being the beginning of summer and end of a school year, I attended 2 farm tours, served milk punch at a 6th grade graduation. We've had appearances at high schools and elementary schools presenting a dairy product for all of the teachers and was interviewed by Dennis Webster on the Saturday Breakfast Party. Even though June is the only month nationally recognized as Dairy Month, I hope to promote dairy farmers and dairy products all year. The month of June is a great way to start off summer with consumption of any nutrient rich dairy product. In only one 8 oz. glass of milk, there are 9 essential nutrients. Vitamin A to maintain healthy skin, Vitamin D, phosphors, protein, and calcium for strong bones, Vitamin B12 for managing healthy red blood cells, Riboflavin and Niacin to aid in converting food into energy and Potassium to regulate a healthy blood pressure. When you drink a glass of milk from your local farmers, you can know that it is from someone who cares about the health and wellness of their cows because happy, healthy cows produce the finest quality milk all farms strive to deliver. So celebrate the hard working farmers by drinking a glass of milk or enjoying your favorite dairy product in the beautiful month of June. Thank you. (Applause)

Chairman Wendel: Thank you ladies. Anyone to speak to the first privilege of the floor? Seeing none, we'll close the 1st privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 5/23/18

COMMENDATIONS:

DONALD REINHOUDT
By
County Executive Borrello
Chairman Paul M. Wendel, Jr.

DEPUTY STEPHEN MADONIA
By
Chairman Paul M. Wendel, Jr.
Legislator John Davis

CERTIFICATE AWARDS
To High School
VALEDICTORIANS
By
County Executive Borrello
Chairman Paul M. Wendel, Jr.

JOURNAL OF PROCEEDINGS

PRESENTATION:

Planning Board's Review of
2019 Capital Projects
By Doug Bowen

(Presentation on File in Legislative Office)

Chairman Wendel: Thank you Mr. Bowen, excellent presentation.

Legislator Chagnon: I would like to extend our appreciation to Mr. Bowen and to the entire Planning Board for their excellent efforts and work to assist the County Legislature in our work and their dedicated service to all of the departments of Chautauqua County and to the entire community.

COMMUNICATIONS:

1. Letter – Coroner Warren Riles – Retiring Effective 6/27/18
 2. Letter – Coroner Lawrence Wilcox – Resignation Effective 6/27/18
 3. Letter – County Executive – Re: Re-Appt. to JCC Bd. Of Trustees
 4. Letter – County Executive – Re: Appt. to IDA Board of Directors
 5. Email - Clerk Tampio – Re: Constituent Opposing the Herbicide Use in Chautauqua Lake
 6. Letter – A. Nixon, Ex. Dir. CCVB – Re: Funding Application, Budget & Marketing Plan for 2019
 7. Letter – NYS Office of Comptroller – Re: Order Regarding Extension to SCLSD – Hamlet of Stow
 8. Letter – NYS Dept. of State – Re: Availability of \$100M Funding Through (TAP), Transportation Alternatives Program
 9. Letters (2) – NYS Dept. of State – Re: Ack. Receipt of LL's 9-18 & 10-18
 10. Reports – Fn. Director Crow – Investments – April/May 2018
 11. 2019 Capital Budget & 2020-2024 Capital Plan
-

MOTIONS: (On file w/ Legislature Data)

5-18 Proclaiming June 2018 as Dairy Month in Chautauqua County – Unanimously Adopted
6-18 In Support of Proposed Cassadaga Lake Nature Park – Unanimously Adopted

TABLED RES. NO. 125-18 – Confirm User Charges North Chautauqua Lake Sewer District (See text on page 140)

MOVED by Legislator Chagnon, SECONDED by Legislator Bankoski to move to the floor.

Unanimously Carried

MOVED by Legislator Chagnon, SECONDED by Legislator Bankoski to amend resolution 125-18 by essentially turning one quarter. Where it lists the date of June 1st, that would be substituted with September 1st, and where it list May 31st, substitute it with August 31st.

Unanimously Carried

TABLED RES. NO. 125-18 – Unanimously Adopted – June 27, 2018

RES. NO. 146-18

Confirm Appointment - Chautauqua County Parks Commission

By Public Facilities Committee:

At the Request of Chairman Paul M. Wendel, Jr. and Legislator John Hemmer:

WHEREAS, Chairman Paul M. Wendel, Jr., has submitted the following appointment for action by the Legislature; therefore be it

RESOLVED, That the Chautauqua County Legislature confirms the following appointment to the Chautauqua County Parks Commission.

New Appointment

Steven Sandberg
35 Ellis Ave.
Jamestown, N.Y. 14701
Term Expires: 12/31/2020

Signed: Hemmer, Nazzaro, Wilfong, Gould

Unanimously Adopted – June 27, 2018

REGULAR SESSIONS

RES. NO. 147-18
Confirm Re-Appointment – JCC Board of Trustees

By Legislator Scudder:
At the Request of County Executive George M. Borrello:

WHEREAS, Resolution 129-95 authorized regional sponsorship of JCC; and

WHEREAS, Resolution 129-95 created a community college region by the City of Jamestown, County of Chautauqua and County of Cattaraugus, with two appointments to the Board of Trustees to be made by the County Executive; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the re-appointment to the Jamestown Community College Region Board of Trustees as follows:

Louis DiPalma
78 Lambert Ave.
Fredonia, N.Y. 14063
Term Expires: 6/30/25

Signed: Scudder

Unanimously Adopted – June 27, 2018

RES. NO. 148-18
Confirm Appointment - Chautauqua County Industrial Development Agency

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Industrial Development Agency.

Steven Thorpe 630 Lakeview Ave. Jamestown, N.Y. 14701 Term Expires: 12/31/19	Replacing Cory Duckworth
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Signed: Odell, Chagnon, Himelein, Starks, O'Connell

Unanimously Adopted – June 27, 2018

RES. NO. 149-18
Authorize Capital Project for Jamestown Community College (JCC) Five Year Master Plan

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, JCC is mandated by the State University of New York (SUNY) to have a Five Year Master Plan (the "Project"); and

WHEREAS, JCC originally scheduled this Project for 2019 but the Project needs to be expedited because SUNY requires that the projected be completed sooner; and

WHEREAS, the Project cost is expected to be \$300,000 but the Project is eligible for state funding and local non-county funding at a combined rate of approximately 75%; therefore be it

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

RESOLVED, That Reserve for Capital is appropriated at follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital	\$ 75,000
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;and it is further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Capital Budget:

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INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfers—Interfund Transfers \$ 75,000

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.2490.00001.4 Contractual—JCC Five Year Plan (2018) \$ 75,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNT:

H.2490.00001.R503.1000 Interfund Transfers – Interfund Transfer \$ 75,000

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – June 27, 2018

RES. NO. 150-18

Authorize Agreement to Extend Interim FBO Services at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County owns and operates the Dunkirk Airport in the Town of Sheridan and is in need of fixed base operator (FBO) services at the Dunkirk Airport for the general use of the public and to enhance current and future economic development in the County; and

WHEREAS, the Chautauqua Region Economic Development Corporation (CREDC) is a not-for-profit local development corporation incorporated pursuant to Section 1411 of the Not-For-Profit Corporation Law, and is operated for the charitable and public purposes of aiding and promoting the economic development of Chautauqua County, and lessening the burdens of government; and

WHEREAS, pursuant to Resolution No. 246-17, the County Legislature authorized CREDC to provide interim fixed based operator services at the Dunkirk Airport through July 31, 2018; and

WHEREAS, the County issued Requests for Proposals (RFP) for fixed based operator services at the Dunkirk Airport in February 2018 and April 2018 and received no proposals despite numerous inquiries; and

WHEREAS, it would be advantageous for CREDC to continue to provide interim FBO services for the County at the Dunkirk Airport to allow the County to progress further toward the installation of a new fuel farm, and to compile additional financial, usage, and other statistical information over the coming months to enhance the issuance of another RFP for the delivery of FBO services at the Dunkirk Airport; now therefore be it

RESOLVED, That the County Executive is authorized to extend the agreement with CREDC to provide fixed base operator services for the County at the Dunkirk Airport on an interim basis, as follows:

1. Term. August 1, 2018 – June 30, 2019.
2. Payment. CREDC shall pay the County on a quarterly basis the net profits from its FBO operations after payment of all of its reasonable expenses in operating FBO services. In the event that CREDC has a net loss for any quarter, the County shall reimburse CREDC for the applicable deficit in the payment of its reasonable expenses for the quarter.
3. Other. As negotiated by the County Executive.

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Niebel

Adopted w/ Legislator Scudder voting “no” – June 27, 2018

RES. NO. 151-18

Authorize NY Alert Use Agreement with NY State Office of Information Technology Services

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the NY State Office of Technology Services has created terms and conditions for use of the NY State Mass Alert Notification System (“NY –Alert”); and

WHEREAS as a condition to use the NY-Alert System, municipalities are required to abide by such terms and conditions; and

WHEREAS it is in the best interest of the County to utilize the NY-Alert system, it is hereby

RESOLVED, That the County Executive is authorized to enter into the NY-Alert Use Agreement with the NY State Office of Technology Services.

Signed: Niebel, Vanstrom, Whitford, Pavlock, Bankoski

Unanimously Adopted – June 27, 2018

REGULAR SESSIONS

RES. NO. 152-18

Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Tower and Building at Dunkirk Tower

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, New Cingular Wireless PCS, LLC (successor in interest to Dobson Cellular) desires to extend the lease of tower and building space on the Dunkirk tower in the City of Dunkirk; and

WHEREAS, the County of Chautauqua is willing to extend such lease upon certain terms and conditions; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into a lease extension agreement with New Cingular Wireless PCS, LLC for their use upon the following terms and conditions:

1. Term: Five (5) years commencing December 1, 2020 with an automatic renewal for up to three (3) consecutive five (5)-year terms, unless the County terminates the lease within 24 months of the expiration of the current term;
2. Rent: \$1,800.00 per month for the first five (5) years from December 1, 2020, with an additional increase of ten percent (10%) for each of the additional extension terms;
3. Other: As may be negotiated by the County Executive.

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

Unanimously Adopted – June 27, 2018

RES. NO. 153-18

Authorize Lease Agreement Extension with New Cingular Wireless PCS, LLC for Space on the Hall R. Clothier Building Tower

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, New Cingular Wireless PCS, LLC (successor in interest to Dobson Cellular) desires to extend the lease of tower and building space on the tower situated on the roof of the Hall R. Clothier Building in the Village of Mayville; and

WHEREAS, the County of Chautauqua is willing to extend such lease upon certain terms and conditions; now therefore be it,

RESOLVED, That the County Executive is hereby authorized to enter into a lease extension agreement with New Cingular Wireless PCS, LLC for their use upon the following terms and conditions:

1. Term: Five (5) years commencing April 1, 2018, with an automatic renewal for up to three (3) consecutive five (5)-year terms, unless the County terminates the lease within 24 months of the expiration of the current term;
2. Rent: \$15,000.00 per year for the duration of the initial term and all available extensions;
3. Other: As may be negotiated by the County Executive.

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

Unanimously Adopted – June 27, 2018

RES. NO. 154-18

Authorize Agreement with Clymer Central School District for Provision of Space for Sheriff's Sub-Station

By Public Safety Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Sheriff desires to have access to space to serve as a sub-station at the Clymer Central School District; and

WHEREAS, the Clymer Central School District can accommodate the Sheriff's request by providing suitable space within Clymer Central School located at 8672 East Main Street in Clymer; and

WHEREAS, the Sheriff has negotiated a tentative agreement with the Clymer Central School District for the use of space for a sub-station with no rental fee to the County; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Clymer Central School District for the purpose of providing space for a Sheriff's sub-station.

Signed: Niebel, Vanstrom, Whitford, Pavlock, Bankoski

Unanimously Adopted – June 27, 2018

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RES. NO. 155-18

Authorize Execution for New York State Office of Homeland Security and Emergency Services Grant for Bomb Squad Initiative Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for under the FY17 Bomb Squad Initiative Grant Program; and

WHEREAS, the State of New York will provide funding for FY17 grant award C182470 in the amount of \$110,000, with no local funds, for the contract period from May 1, 2018 to August 31, 2020; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

Unanimously Adopted – June 27, 2018

RES. NO. 156-18

Compensation for County Coroners

By Public Safety and Audit & Control Committees:
At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from county funds; and

WHEREAS, Resolution 100-18 changed the method of compensation for Coroners from a “per diem” to a “per case” compensation format to expire June 27, 2018; and

WHEREAS, the Chautauqua County Legislature wishes to continue the same method of compensation for Chautauqua County Coroners; therefore be it

RESOLVED, That the compensation for the County Coroners shall be continued at \$150.00 per case on and after June 27, 2018.

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

Adopted - R/C Vote: 17 Yes; 1 No (Himelein); 1 Absent – June 27, 2018

RES. NO. 157-18

Authorize County Executive to Execute the Youth Bureau Resource Allocation Plan

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Youth Board recommends the manner in which Youth Bureau funding from the New York State Office of Children and Family Services (OCFS) is dispersed through a Resource Allocation Plan (“RAP”); and

WHEREAS, signing the RAP will qualify the County of Chautauqua for State reimbursement for the 2018 program year; and

WHEREAS, the amount approved for allocation to the County is \$153,300.00; and

WHEREAS, OCFS will reimburse the County for expenditures made in accordance with the approved Program Allocations and Budgets for the agencies listed on the program summary; and

WHEREAS, the County RAP shall be deemed executory to the extent of monies made available to OCFS through the State of New York for a Local Assistance program;
now therefore be it

RESOLVED, That the Resource Allocation Plan is approved to be executed by the County Executive; and it is further

RESOLVED, That the County Executive is authorized to enter into agreements with the State of New York and other municipalities as necessary to draw down the State Aid reimbursement for youth programs included in the Allocation Plan.

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

Unanimously Adopted – June 27, 2018

REGULAR SESSIONS

RES. NO. 158-18

Authorizing the County Executive to Execute a Use & Dissemination Agreement with the New York State Division of Criminal Justice Services

By Human Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Internal Revenue Service (IRS) has issued new requirements for employee background investigations to ensure proper safeguarding of federal tax information (FTI); and

WHEREAS, the background investigation requirement applies to any individual requiring access to FTI to perform his or her job duties; and

WHEREAS, employees of the Chautauqua County Child Support Enforcement Unit require access to FTI to perform their job duties; and

WHEREAS, the background investigation is required to include verification that the employee has committed no prior criminal offense(s) where the nature of the offense creates a risk of misuse of confidential information; and

WHEREAS, the New York State Division of Criminal Justice Services provides criminal history record inquiry services; and

WHEREAS, an Originating Agency Identification Number issued by the Federal Bureau of Investigation is a requirement to request fingerprint information through the New York State Division of Criminal Justice Services; now therefore be it

RESOLVED, That the County Executive is authorized to enter into agreements with the New York State Division of Criminal Justice Services and the Federal Bureau of Investigation as necessary to receive the required criminal history record inquiry services.

Signed: Wilfong, Pavlock, O'Connell

Unanimously Adopted – June 27, 2018

RES. NO. 159-18

Acceptance of New York State Empire State Development "I Love NY" Funding for the Promotion of LECOM Health Challenge

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua Industrial Development Agency (CCIDA) and Chautauqua Region Economic Development Corporation (CREDC) worked in conjunction with PGA Web.com to bring the LECOM Health Challenge to Peek 'n Peak Resort for four years (2016-2019); and

WHEREAS, the LECOM Health Challenge creates a unique attraction event at Peek 'n Peak Resort, serves as a catalyst for attracting tourists to Chautauqua County, and brings national attention to the many tourism assets Chautauqua County has to offer; and

WHEREAS, the LECOM Health Challenge is an important tourism event for Chautauqua County as a whole to support and benefit from; and

WHEREAS, the New York State Empire State of Development (NYSESD) committed \$300,000 from their "I Love NY" funding to promote Chautauqua County and New York State through the LECOM Health Challenge; and

WHEREAS, the County desires to use the funding to reimburse the Chautauqua Regional Economic Development Corporation (CREDC) for marketing expenses incurred during the promotion of the LECOM Health Challenge; and

WHEREAS, these funds are not included in the 2018 Budget; therefore be it

RESOLVED, That the Chautauqua County Legislature accepts the NYSESD "I Love NY" funding in the amount of \$300,000 to promote Chautauqua County and New York State through the LECOM Health Challenge; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement with NYSESD for the acceptance of said funds; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.----.4 Contractual – Promotion of Industry	\$300,000
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INCREASE REVENUE ACCOUNT:

A.6420.----.R371.5PGA New York State Aid—Tourism Promotion: PGA Initiative Funding	\$300,000
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Signed: Odell, Niebel, Chagnon, Himelein, Starks, O'Connell, Muldowney

Unanimously Adopted – June 27, 2018

RES. NO. 160-18

Funding in Support of Chautauqua County Residents to Attend the Babe Ruth World Series in Jamestown, New York

By Planning & Economic Development and Audit & Control Committees:

At the Request of Chairman Paul M. Wendel, Jr., Legislators Whitford, Wilfong, Nazzaro, Rankin, Chagnon, and Starks:

WHEREAS, the 38th Babe Ruth World Series for 16-18 year olds will be held August 4-11, 2018; and

WHEREAS, the Babe Ruth World Series will be hosted by the Western New York State Champions in Jamestown, NY; and

WHEREAS, Babe Ruth teams from all over the United States, including New England, Middle Atlantic, Ohio Valley, Southeast, Southwest, Midwest Plains, Pacific Northwest and Pacific Southwest will be participating in the World Series; and

WHEREAS, it is estimated that this event will have an economic impact on Chautauqua County of from \$1.5 million to \$2 million; therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to enter into an agreement in the amount of \$1,500 of Unrestricted Fund Balance with the Babe Ruth World Series to provide for free entrance for all Chautauqua County Residents to the championship game of the series to be held Saturday, August 11, 2018; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000 Fund Balance- Reserve for Occupancy Tax	\$1,500
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism	\$1,500
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Signed: Odell, Niebel, Himelein, Chagnon, Starks, O'Connell, Muldowney

Unanimously Adopted – June 27, 2018

RES. NO. 161-18

Authorize Chautauqua County Visitors Bureau as the Local Tourist Promotion Agency for Matching Funds Program Sponsored by New York State Division of Tourism

By Planning & Economic Development and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Legislature has authorized the New York State Department of Commerce to match funds expended by local and regional organizations promoting tourist travel, resorts and vacation businesses in this State; and

WHEREAS, the New York State Legislature has made appropriations for such purposes; and

WHEREAS, to participate in this program, the Chautauqua County Legislature must designate a not-for-profit corporation as the local tourist promotion agency for the Matching Fund Program sponsored by the New York State Division of Tourism; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby designates the Chautauqua County Visitors Bureau as the local tourist promotion agency for the Matching Funds Program sponsored by the New York State Division of Tourism and authorizes the Chautauqua County Visitors Bureau to make application for matching tourism funds, to receive such matching funds, and to represent the County of Chautauqua in tourism promotion efforts; and be it further

RESOLVED, That in making the aforesaid designation, the Chautauqua County Legislature hereby certifies that the Chautauqua County Visitors Bureau has been in operation for at least three (3) years immediately prior to making this year's application; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau comply with the following criteria for implementing the Matching Funds Program:

1. A dedicated bank account shall be maintained for the purposes of matching and disbursing Matching Funds provided by the New York State Division of Tourism and the corresponding local share in accordance with the Program guidelines;

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2. All interest earned from the Matching Funds Program monies shall be expended for generic County advertising according to the Program guidelines;

3. All discounts and refunds shall be maintained in the Matching Funds Program account and shall be expended for generic County advertising according to the Program guidelines; and

4. Account(s) shall be reconciled monthly and at the end of the Program, and the required quarterly and annual reports shall be provided to the New York State Division of Tourism in accordance with the Program guidelines; and be it further

RESOLVED, That the Chautauqua County Visitors Bureau is authorized to apply for state matching funds up to \$250,000 for the state fiscal year from April 1, 2018 through March 31, 2019

Signed: Odell, Niebel, O'Connell, Chagnon, Himelein, Starks, Muldowney

Unanimously Adopted – June 27, 2018

RES. NO. 162-18

Authorizing SEQRA Review of Waterways Panel 2018 2% Occupancy Tax Recommendations

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, twenty-nine applications for the 2019 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 twenty-nine requests; and

WHEREAS, eight of the twenty-nine projects submitted for 2% Occupancy Tax funding for the enhancement and protection of waterways have been recommended by the Waterways Panel; therefore be it

RESOLVED, That the Chautauqua County Legislature requests the Department of Planning and Development to arrange New York State Environmental Quality Review Act (SEQRA) review of the projects recommended by the Waterways Panel for 2019 2% Occupancy Tax funding as follows:

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Lake Erie Tributary Knight Vineyards	1	\$ 27,565	\$ 27,565
Shorelands	2	\$ 20,000	\$ 20,000
Goose Creek Geiger	3	\$ 28,082	\$ 28,082
Maple Springs Rehab	4	\$ 24,750	\$ 24,750
Tupper Creek	5	\$ 40,000	\$ 40,000
Boat Stewardship	6	\$ 39,972	\$ 39,972
Scott Creek Sheridan	7	\$ 17,115	\$ 17,115
Canadaway Creek Hurtgen	8	\$ 26,640	\$ 26,640
Huxley Street Drainage Mitigation	9	\$ 39,700	\$ 0
Chautauqua Lake Mission Meadows	10	\$ 31,230	\$ 0
Canadaway Creek Reynolds	11	\$ 26,640	\$ 0
Chautauqua Creek Applebee	12	\$ 27,000	\$ 0
Bellview Kulju	13	\$ 18,555	\$ 0
Walnut Creek Giacchino	14	\$ 19,800	\$ 0
Canadaway Creek Miller	15	\$ 39,000	\$ 0

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Cooney's Island	16	\$ 19,900	\$ 0
Bellview Cresanti	17	\$ 22,761	\$ 0
Dutch Hollow Reinhardt	18	\$ 29,350	\$ 0
Dutch Hollow Whalen-Holton	19	\$ 27,400	\$ 0
Goose Creek Lipari	20	\$ 20,950	\$ 0
Walnut Creek Stott	21	\$ 29,560	\$ 0
Walnut Creek Hiliiker	22	\$ 19,940	\$ 0
Chautauqua Lake Trip Toczydlowski	23	\$ 25,670	\$ 0
Bellview Warner	24	\$ 12,015	\$ 0
Bemus Creek Montgomery	25	\$ 14,780	\$ 0
Slippery Rock Creek	26	\$ 17,200	\$ 0
Chautauqua Lake Tributary Mallard Cove	27	\$ 10,810	\$ 0
Mud Creek Glaser	28	\$ 32,250	\$ 0
Ball Creek I-86 Scour	29	\$ 10,000	\$ 0
TOTALS		\$ 718,635	\$ 224,124

Signed: Odell, Niebel, Chagnon, Himelein, Starks, O'Connell, Muldowney

Unanimously Adopted – June 27, 2018

RES. NO. 163-18

Authorize Use of Funds from the Chautauqua County Sewer Agency to Assess the Feasibility of Treating Wastewater Flows from the Town of Mina in the Village of Sherman Sewer Wastewater Treatment Plant

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Hamlet of Findley Lake and the Town of Mina are important economic and cultural assets in Chautauqua County;
and

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency issued the 2008 Total Maximum Daily Load (TMDL) for phosphorus in Findley Lake, which attributed the large number of failing and inadequate septic systems that surround the lake as the primary cause of excessive concentrations of phosphorus in the lake; and

WHEREAS, the TMDL recommends a management strategy for septic systems where "the formation of a sanitary sewer district and the discharge of wastewater outside of the watershed is essential to achieving the (phosphorus) load reductions"; and

WHEREAS, the Village of Sherman has engaged an engineering consultant to perform a Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant; and

WHEREAS, the Village of Sherman's engineering consultant has provided a proposal to expand the scope of the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant to determine the feasibility of accepting wastewater flows from the Town of Mina, for a cost not to exceed \$9,000; and

WHEREAS, the Chautauqua County Sewer Agency receives an annual allocation of \$10,000 from the Chautauqua County 2% Occupancy Tax for Lake & Waterways to evaluate wastewater projects identified in the Integrated Sewer Management Plan for Chautauqua Lake and anticipates no expenses for the remainder of 2018; and

REGULAR SESSIONS

WHEREAS, Chautauqua County and the Chautauqua County Sewer Agency are strong advocates for public health, the environmental health of our lakes and waterways, intermunicipal cooperation, and shared services; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes \$9,000 from the 2018 2% Occupancy Tax allocation for the Chautauqua County Sewer Agency to fund the expanded scope for the Comprehensive Evaluation of the Village of Sherman Wastewater Collection System and Wastewater Treatment Plant; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into agreements with the Village of Sherman and Town of Mina to implement the actions set forth in this resolution.

Signed: Odell, Niebel, Chagnon, Himelein, Starks, O'Connell, Muldowney

Unanimously Adopted – June 27, 2018

RES. NO. 164-18
Order Extending the South Chautauqua Lake Sewer District

By Audit & Control Committee:
At the Request of County Executive George M. Borrello & Legislator Pierre Chagnon:

WHEREAS, the Chautauqua County Legislature adopted Resolution 264-17 determining that the extension of the South Chautauqua Lake Sewer District (the "District") is in the public interest subject to permissive referendum, and

WHEREAS, notice of the adoption of Resolution 264-17 was given and forms for petition for referendum were made available to the public as required by law, and no petition for referendum was received, and

WHEREAS, the permission of the Office of the State Comptroller is required for the extension of the District pursuant to County Law §258, and as authorized by Resolution 319-17, an application on behalf of the County Legislature was made to obtain such permission; and

WHEREAS, the Office of the State Comptroller has issued an order granting permission for the extension of the District dated June 14, 2018; now therefore be it

ORDERED, pursuant to County Law §258, that the South Chautauqua Lake Sewer District be and hereby is extended to include the area described in Resolution 226-17 adopted September 27, 2017, and be it further

ORDERED, That the Clerk of the Legislature shall cause certified copies of this Order to be recorded by the Chautauqua County Clerk and filed in the Office of the State Department of Audit and Control in accordance with County Law §259.

Signed: Hemmer, Nazzaro, Wilfong, Gould, Muldowney, Niebel

Unanimously Adopted – June 27, 2018

RES. NO. 165-18
Quit Claim Deeds

By Audit & Control Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
QC-11-2018	City of Dunkirk	060300-79.11-7-4	Renee Santiago	\$ 1,466.56	\$ 1,466.56
QC-13-2018	City of Dunkirk	060300-79.12-5-48	Eduaro & Jacky Reyes	\$ 4,099.84	\$ 4,099.84
QC-15-2018	City of Dunkirk	060300-79.13-2-31	Aida Hernandez	\$ 2,322.45	\$ 2,322.45
QC-16-2018	City of Dunkirk	060300-79.13-2-67	Scot C Drummond	\$ 3,697.27	\$ 3,697.27
QC-19-2018	City of Dunkirk	060300-79.14-2-76	Donald Buchanan	\$ 1,993.38	\$ 1,993.38

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QC-24-2018	City of Dunkirk	060300-79.14-9-17	Gumersindo Borrero	\$ 8,857.29	\$ 8,857.29
QC-25-2018	City of Dunkirk	060300-79.15-2-39	Billy Pittman	\$ 2,743.56	\$ 2,743.56
QC-32-2018	City of Dunkirk	060300-79.16-3-46	Patricia Kozlowski	\$ 5,391.04	\$ 5,391.04
QC-36-2018	City of Dunkirk	060300-79.16-7-7	Dawn Linger	\$ 3,724.65	\$ 3,724.65
QC-53-2018	City of Dunkirk	060300-96.06-3-8	Walter E Barnard	\$ 3,401.97	\$ 3,401.97
QC-73-2018	City of Jamestown	060800-370.20-6-5	Lucian Buchanan	\$ 4,861.85	\$ 4,861.85
QC-102-2018	City of Jamestown	060800-387.09-7-10	Nicholas & Taylor Bennett	\$ 3,743.87	\$ 3,743.87
QC-137-2018	City of Jamestown	060800-387.18-3-14	Mahendra Basdeo	\$ 6,145.82	\$ 6,145.82
QC-157-2018	City of Jamestown	060800-387.34-4-17	Aleena Baksh	\$ 5,344.50	\$ 5,344.50
QC-175-2018	Arkwright	062000-183.00-1-2	John J MacFarlane	\$ 5,815.68	\$ 5,815.68
QC-179-2018	Busti/Village of Lakewood	062201-368.19-2-50	Stephen Smith	\$ 773.52	\$ 773.52
QC-192-2018	Busti	062289-403.00-1-58	Amy Jo Stormer	\$ 3,539.02	\$ 3,539.02
QC-194-2018	Busti	062289-419.00-2-28	Stephen Smith	\$ 3,196.96	\$ 3,196.96
QC-215-2018	Chautauqua	062889-279.00-2-22	Michele Fletcher	\$ 7,391.17	\$ 7,391.17
QC-225-2018	Town of Dunkirk	063400-96.01-2-5	Scot C Drummond	\$ 1,084.87	\$ 1,084.87
QC-226-2018	Town of Dunkirk	063400-96.04-1-11	Pamela J Halicki	\$ 6,618.01	\$ 6,618.01
QC-235-2018	Ellicott/Village of Falconer	063803-371.07-1-12	Jason W Higbee	\$ 396.48	\$ 396.48
QC-236-2018	Ellicott/Village of Falconer	063803-371.07-1-13	Jason W Higbee	\$ 7,656.26	\$ 7,656.26
QC-237-2018	Ellicott/Village of Falconer	063803-371.07-1-14	Jason W Higbee	\$ 593.48	\$ 593.48
QC-239-2018	Ellicott	063889-336.00-2-61	Stanley & Lois Walters	\$ 933.42	\$ 933.42
QC-261-2018	Hanover/Village of Silver Creek	064603-49.10-1-24	Luanne Marra	\$ 20,405.44	\$ 20,405.44
QC-262-2018	Hanover	064689-100.00-1-65.2	Erick Griewisch	\$ 1,476.85	\$ 1,476.85
QC-295-2018	Pomfret	065889-147.00-2-15	Kathy Stevens	\$ 14,609.09	\$ 14,609.09
QC-302-2018	Portland/Village of Brocton	066001-144.20-1-5	William J Anzalone	\$ 3,046.15	\$ 3,046.15
QC-307-2018	Portland/Village of Brocton	066001-162.09-1-69	Michael & Monica Wazaney	\$ 1,408.57	\$ 1,408.57
QC-320-2018	Ripley	066200-240.12-3-11	Cris A Reed	\$ 1,856.88	\$ 1,856.88
QC-324-2018	Ripley	066200-240.16-3-17	Caitrin Martin	\$ 7,865.19	\$ 7,865.19
QC-325-2018	Ripley	066200-258.00-1-22	Timothy & Sandra Henry	\$ 4,284.12	\$ 4,284.12
QC-328-2018	Sheridan	066400-47.11-1-24	Bernard Garrasi II	\$ 6,666.32	\$ 6,666.32
QC-337-2018	Stockton	066889-248.00-1-56	Michael Kazmark	\$ 663.53	\$ 663.53
QC-343-2018	Westfield/Village of Westfield	067201-192.12-1-50	Jimmy D Foster & Jody A Burdett	\$ 13,925.21	\$ 13,925.21
				\$ 172,000.27	\$ 172,000.27

Signed: Chagnon, Muldowney, Niebel

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - June 27, 2018

EMERG. RES. NO. 166-18
Confirm Appointments - Chautauqua County Coroners

By Chairman Paul M. Wendel, Jr.

WHEREAS, Local Law 8-18 amended the Chautauqua County Charter to increase the number of Coroner positions to up to six; and WHEREAS, two of the six offices of Coroner in Chautauqua County are vacant as of June 28, 2018; and

WHEREAS, the County Charter has vested in the County Legislature the power to approve the appointment of Coroners henceforth as the offices become vacant; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby appoint the following persons as Chautauqua County Coroner:

Richard Mackowiak
56 East Doughty Street
Dunkirk, NY 14048

Daniel DiStasio
478 Route 83
South Dayton, NY 14138

and be it further

REGULAR SESSIONS

RESOLVED, That upon the effective date of Local Law Introductory No. 7-18 amending the Chautauqua County Charter that was adopted by the County Legislature on April 25, 2018, all Chautauqua County Coroners shall serve pursuant to the County Charter as amended, and serve pursuant to applicable provisions of the Chautauqua County Administrative Code as it may be amended from time-to-time.

Signed: Wendel

Adopted - R/C Vote: 16 Yes; 2 No (Himelein, Niebel); 1 Absent – June 27, 2018

2nd Privilege of the Floor

My name is Christopher Lobe. I'm here on behalf of myself. I lost my property in the tax sale on June 16th and I'm trying to beg of you guys to stop the sale. I know that this is my last resort. I have the money. I just made a mistake on the date and I'm just begging and pleading that I don't lose my family's house. I left a letter in all your mailboxes last week. So, I really don't have much else to say. I (*inaudible*) one for words but that's it. That's all that I have to say.

Chairman Wendel: Thank you. Anyone else to speak to the 2nd privilege of the floor. Seeing none, we'll close the privilege of the floor.

MOVED by Legislator Gould, SECONDED, by Legislator Starks and duly carried to adjourn. (7:41 p.m.)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, July 25, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (6/27/18)

Unanimously Carried

1st Privilege of the Floor

I'm Jajeane Rose-Burney from the Western New York Land Conservancy. I'll be talking briefly about the motion on the agenda later. In support of the grant application of the Western New York Land Conservancy for College Lodge work park project. So the Western New York Land Conservancy is a regional not-for-profit land trust. We basically work with landowners, communities, to try and conserve land, farmland, and nature preserve. So we own a lot of nature preserves in the western New York region. We've been talking to the Faculty Student Association who owns College Lodge property. Some of you may know the College Lodge property. It's in the towns of Stockton, Portland, and Chautauqua. It's a 202 acre property that has been owned by the FSA for almost a century. It's essentially a retreat and research and education center for SUNY Fredonia but they also provide programming and training and workforce development programs at the property. So FSA owns a lodge, a sleeping lodge and 202 acres of property. They are finding it difficult to operate and maintain the entire property and would like to sell 168 acres of property to the Land Conservancy. They would then use the funds from that sale to reinvest back into the facility that they would own and operate so the lodge, the sleeping lodge, they would continue to own that portion of property. We would buy the forest which would include the trails and wetland. So we wouldn't own the property around the lodges as a publicly accessible nature preserve. So it would continue to be open to the public, the trails would be open, we would maintain that. So it would continually be able to be used by the community. To buy the property we are raising funds. One of those fund raising opportunities is a grant that the New York State Parks has open right now. It's part of the CFA grant application program. The grants are due on the 27th. One of the requirements for us to be able to apply for the grant is that you have the communities where the project takes place pass a resolution in support of our grant application. So all three towns have passed that resolution and now we're asking the County Legislature pass the resolution in support of our grant application for that grant that would help us purchase the 168 acres to maintain it as a publicly accessible nature preserve. That's all I have. Thank you.

My name is Katherine Hamernick. I'm here to represent the CPS, Child Protection Caseworkers of Chautauqua County and to address your consideration for an increase in our reallocation status. I've been working with the County for about 20 years. I started out at what's called a Home Instructor and worked for about 12 years in that position. You only need a two year degree to work in that position and at that time I decided that I wanted to do more and have more responsibilities so I went back to school and became – got my Bachelor's in Social Work and applied to be a Services Caseworker. It took years two years for me to get a position with Child Protection because in the first 14 years that I worked for the County, turnover was very slow. People worked these jobs for life and they retired with 25/30/35 years of service. So I've worked as a CPS Caseworker now for 6 years and that just isn't the case anymore. We lose caseworkers regularly, there is a very high turnover and every time we do, we lose a lot of training. In addition to your education outside of this job, there is also approximately 8 weeks of training that each caseworker goes through and we lose that every time they leave. It takes about 2 years to really do this job, to understand this job, and be comfortable in doing it. It's not a job that you can learn in school. It's something that learned by experience, by actually doing the job. It takes quite a while. In the time, the short time, that I have been an actual Child Protective Services Caseworker, there has been a steady increase in the number of workers who have in excess of 15 cases. Currently it's more like 20 to 30 cases which is way more than we should have to do a good job. There has been a steady increase in the number of delinquent cases. We are, best case practice, supposed to have cases resolved within 60 days and us being in excess of that 60 days, taking longer to close a case, has increased steadily over the past five years. We've also had a steady decrease in doing what are called, timely safety assessments. That's being able to safely assess that the children are safe and going to be o.k.. We have a short time to do that and it's taking longer and longer to do that. The situations that we deal with within families, the severity of the dysfunction, drug abuse, domestic violence, and sexual abuse and steadily increased as well. Caseworkers are expected to know more and more in many general areas of family functioning and be able to effectively lead families to healing and resolution. I, myself, will be retiring mid-October but I feel a call to duty to my co-workers to let you know that this job is difficult and has become more and more difficult just within the past five years. There is more and more expected of workers regarding what goes into a case, what resolution, how to reach a resolution is made, and the job is becoming more difficult to complete well, to do a good job. Under the constraints of time and the decisions that we have to make on a daily basis regarding whether or not we're going to leave children safe in a situation. So I'm here to hope that you will support our workers. They deserve the respect and to help retain workers because we lose workers to jobs that make more money than we do or they have less stress than we do more and more daily. We have to remain competitive and we need to find a way to have some way to keep our staff rather than losing them. Every time we lose staff, it costs the County money because we have to re-train them and we're starting from scratch. I think that is all that I wanted to say. I hope that you understand and we are the only ones that can do the job too, by the way. There is no one else. It's a mandated job and there is no one else that can do it. So thank you for your time.

My name is Mary Grace Syracuse. I'm here this evening to speak on behalf of David Blodgett and my son Jackson Blodgett. David Blodgett has owned property at 3090 and 3094 East Main Road in Sheridan, New York. For the 30 years that David Blodgett has owned property he has religiously paid the taxes. David Blodgett worked at Keystone Automotive in Cheektowaga for 15 years. He had a long history since his late teen years of bipolar disorder. One remark at Keystone eliminated his job, eliminated his income, his 401K, all his resources. After that point because David was manic, he was not able to get the psychological help that he would get, that he was able to get. His finances were in shambles. By the time he reached out to get help it took phone calls and phone calls and phone calls. Finally we found Lakeside Clinic which is part of Buffalo Psychiatric on Central Avenue in Fredonia. He is now under the care of psychiatrist and clinicians at

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Buffalo Psychiatric. In the meantime, he was three years behind in his taxes. When we found out that he was three years behind in his taxes, we applied to COI, he applied to the MAPS program. When we applied to the MAPS program nobody ever said, you are too late. We went ahead with reasonable assurance that he would be able to get funding to help with his taxes for his County taxes on property, through the Maps(?) program. It turns out he was too late. Never received that information by mail. David Blodgett made a phone call to the County tax and they said your property was sold this weekend and you are going to be evicted which means that all the work that – which is very painful. This is not so much a tax issue as a mental health issue. David is back and work. He's riding his bicycle. Sometimes three or four o'clock in the morning to get to work. He just got a raise. He's very, very highly recommended at his job. I have letters here from his clinicians at Lakeside Clinic. I also have a receipt for the amount of taxes owed for the property at Newell Road that a family member came to plate when finally the matter came out. So not only does David have a mental health issue but (*inaudible*) with our son who has a dual disorder of epilepsy and Asperger syndrome. Eviction would make these two individuals without a home. David has the money to pay for the taxes. This is a perfect opportunity for the community, you Legislators to show that we, as a community are not only interested in dialoging about mental health but we actually are willing to take measurable actions to help people in David's position. He's back on his feet and we're imploring the Legislature to exclude the property in question from the list of properties to be approved by the Legislature and allow him to keep his property and from this point on, he will be getting help with his finances and he will regain his ability to pay for his taxes. But, making these two individuals evicted from their property is not only painful but it's wrong. I am here to advocate on their behalf. I thank you for your time in listening. I plead that you consider the lives of these two mental health individuals. It's not because David slacked in any way. He was unwell and he fell between the cracks. I don't want to tell you how many phone calls I made to get him help. Only through a series of phone calls, did we finally find safely tucked away on Central Avenue, a mental health facility that was there to help David. In this folder are letters from his therapist, his medical doctor and a receipt in a secure account for the amount of the taxes. Thank you very much for your consideration in this matter. Have a good evening.

My name is David Blodgett, I live at 3090 East Main Road, at least right now I do. I want to say that the County and the Tax Department hasn't done anything wrong. I would encourage you to sincerely consider my plight and I apologize for any problems that I might have caused or anything like that.

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 6/27/18

COMMENDATIONS:
Chautauqua Lake Girls Softball Team
By
Legislator David Himelein
Chairman Paul M. Wendel, Jr.

Teddy Braidich & Jim Tytko, Jr.
(Recovery of Missing Child)
By
County Executive George M. Borrello
Chairman Paul M. Wendel, Jr.
Legislator Kevin O'Connell

Paul Snyder
(Recognition for work done w/ the City of Dunkirk in their water emergency)
By
Legislator Robert Bankoski
Legislator Kevin Muldowney
George Spanos
Director of Public Facilities
(Recognition for years of service)
By
County Executive George M. Borrello
Chairman Paul M. Wendel, Jr.

Warren H. Riles
41 Years of Service as
Chautauqua County Coroner
By
Chairman Paul M. Wendel, Jr.

COMMUNICATIONS:

1. Letters (3) – County Executive Borrello – Apptms. To Various Board
2. Letter – County Executive Borrello – Amendment to the Chaut. County Administrative Code
3. Acknowledgement – Legislature Clerk Tampio – Re: Receipt of Financial Disclosures for 2018

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4. Letter – City of Dunkirk – Re: Requesting Donation for Great Lakes Off Shore Grand Prix
5. Letter – City of Dunkirk – Requesting Support for Funding for Great Lakes Off Shore Boat Race
6. NYS Dept. of Taxation & Finance – Re: 2018 State Equalization Rates

MOTION: (On file w/ Legislature Data)

7-18. In Support of the Grant Application of the Western New York Land Conservancy for the College Lodge Forest Park Project – Unanimously Adopted

RES. NO. 167-18
Confirm Appointment - Chautauqua County Ethics Board

By Administrative Services Committee:
At the Request of County Executive George M. Borrello:

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

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

David Rowe
3740 Westman Rd.
Bemus Point, N.Y. 14712
Term Expires: 1/31/2020

Filing Term of Ben Webb

Signed: Scudder, Davis, Muldowney, Himelein

Unanimously Adopted – July 25, 2018

RES. NO. 168-18
Confirm Appointment – JCC Board of Trustees

By Administrative Services Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, Resolution 129-95 authorized regional sponsorship of JCC; and

WHEREAS, Resolution 129-95 created a community college region by the City of Jamestown, County of Chautauqua and County of Cattaraugus, with two appointments to the Board of Trustees to be made by the County Executive; therefore be it

RESOLVED, That the Chautauqua County Legislature does hereby confirm the appointment to the Jamestown Community College Region Board of Trustees as follows:

Daniel Heitzenrater
20 Harmon Ave.
Falconer, N.Y. 14733
Term Expires: 6/30/2023

Filing Term of Dale Robbins

Signed: Scudder, Davis, Muldowney, Himelein

Unanimously Adopted – July 25, 2018

RES. NO. 169-18
Confirm Appointment and Re-Appointments – Chautauqua Opportunities Board of Directors

By Human Services Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment and re-appointments to the Chautauqua Opportunities Governing Board.

Appointment:
George M. Borrello
1014 South Shore Dr.
Irving, N.Y. 14081
Term Expires: 6/30/19

Replacing Nicodemo Piccolo

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Re-Appointments:

Joseph A. Gerace
235 Hunt Rd. W.E.
Jamestown, N.Y. 14701
Term Expires: 6/30/19

Dr. John P. Hamels
5996 Welch Hill Rd.
Ripley, N.Y. 14775
Term Expires: 6/30/19

Willie Rosas
768 Central Ave.
Dunkirk, N.Y. 14048
Term Expires: 6/30/19

Benjamin Spitzer
5841 Snug Harbor Dr.
Mayville, N.Y. 14757
Term Expires: 6/30/19

Paul Whitford
58 Harris Avenue
Jamestown, N.Y. 14701
Term Expires: 6/30/19

Signed: Wilfong, O'Connell, Pavlock

Unanimously Adopted – July 25, 2018

RES. NO. 170-18

Budget Modification for Actual Youth Bureau Allocations Received

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Youth Bureau's New York State Office of Children and Family Services (OCFS) Youth Development allocation and Runaway and Homeless Youth (RHYA) I and RHYA II allocations for calendar year 2018 total \$206,755; and

WHEREAS, the 2018 Youth Bureau budget was prepared based on the total 2017 allocation of \$209,487; therefore, be it

RESOLVED, That the Director of Finance is authorized and directed to make the follow adjustments to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.7020.----.4	Contractual – Youth Bureau	\$ 647
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DECREASE APPROPRIATION ACCOUNT:

A.7310.----.4	Contractual – Youth Programs	\$ 3,379
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INCREASE REVENUE ACCOUNT:

A.7020.R382.0000	NYS Aid – Youth Programs	\$10,647
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DECREASE REVENUE ACCOUNT:

A.7310.R382.0000	NYS Aid – Youth Programs	\$13,379
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Signed: Wilfong, Pavlock, O'Connell, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – July 25, 2018

RES. NO. 171-18

To Accept New York State Department of Health Nurse Family Partnership Program Grant

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Department of Health (NYSDOH) has awarded a Nurse Family Partnership Program Grant to the Chautauqua County Department of Health and Human Services to support Nurse Family Partnership activities for the period October 1, 2018 through September 30, 2023 in the amount of \$454,770; and

WHEREAS, the 2018 Chautauqua County Adopted Budget must be adjusted to include awarded funds of \$90,954 applicable to the 2018 budget year; now, therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York State Department of Health for program funding for so long as the County Department of Health and Human Services continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate the County's receipt of such funds; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 budget:

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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4010.NURS.R340.1FOU New York State Aid – Public Health Administration (Nursing)-
Nurse Family Partnership \$90,954

DECREASE REVENUE ACCOUNT:

A.4010.NURS R460.1FOU Federal Aid – Public Health Administration (Nursing)
-Family Partnership Medicaid \$90,954

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

Unanimously Adopted – July 25, 2018

RES. NO. 172-18

Commitment of Matching Funds for Grant Applications to the 2018 New York State Consolidated Funding Application Program

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, the New York State Consolidated Funding Application (CFA) offers state-wide grant funding programs that provide an opportunity to significantly leverage local resources; however, these grant programs are fiercely competitive and require a local match in cash and/or in-kind services; and

WHEREAS, the 2018 CFAs include the New York State Environmental Facilities Corporation (EFC) Green Innovation Grant Program (GIGP), the New York State Department of State (DOS) Local Waterfront Revitalization Program (LWRP), the New York State Department of Environmental Conservation (DEC) Water Quality Improvement Project Program (WQIP), and the New York State DEC/ EFC Wastewater Infrastructure Engineering Planning Grant (EPG) Program, all of which offer state grant funding for water quality related projects and all of which require a local match; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD), the Chautauqua Lake and Watershed Management Alliance (Alliance), the Village of Lakewood, and the Town of Busti have successfully partnered to procure previous state funding pursuant to Resolution No. 193-16, which produced an engineering study identifying stormwater projects located within the Village of Lakewood and Town of Busti that can now be pursued for implementation funding and will have a positive impact on the environmental health of Chautauqua Lake; and

WHEREAS, the Village of Lakewood, in partnership with the CCDPD and the Alliance, has identified the Chautauqua Avenue Green Street Retrofit for application to the 2018 GIGP grant program which provides reimbursement for up to 90% of total project costs, and the Lowe Park Stream Daylighting and Sediment Capture Stormwater Project for application to the 2018 LWRP grant program which provides reimbursement for up to 75% of total project costs; and

WHEREAS, the Town of Busti, in partnership with the Village of Lakewood, the CCDPD and the Alliance, has identified the Lakewood - Busti Precision Swale Retrofit project for application to the 2018 WQIP grant program which provides reimbursement for up to 75% of total project costs; and

Project Title	Total Project Costs	NYS CFA Funding Requested	Commitment of County Cash Matching Funds	Other Sources of Local Match
Chautauqua Avenue Green Street Retrofit	\$777,235	\$699,511	\$11,099	\$66,625*
Lowe Park Stream Daylighting and Sediment Capture Stormwater Project	\$341,269	\$255,951	\$5,000	\$ 80,318*
Lakewood - Busti Precision Swale Retrofit	\$269,971	\$202,478	\$5,000	\$62,493*

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*Additional sources of match funding will be combination of cash and in-kind commitments from the Alliance, Village of Lakewood, and Town of Busti.

WHEREAS, the CCDPD, the Alliance, the Village of Celoron and the Town of Ellicott have identified the Ellicott Stormwater Management Engineering Study for application to the 2018 EPG grant program which provides reimbursement of the cost of water quality improvement study with a maximum award of \$100,000.00, with applicants providing a local match contribution of at least 20% of the total grant award; and

Project Title	Total Project Costs	NYS CFA Funding Requested	Commitment of County Cash Matching Funds	Other Sources of Local Match
Ellicott Stormwater Management Engineering Study	\$120,840	\$100,000	\$5,000	\$15,840*

*Additional sources of match funding will be combination of cash and in-kind commitments from the Alliance, Village of Celoron, and Town of Ellicott.

WHEREAS, the CCDPD and the Alliance have identified a 9 Element Plan project for application to the 2018 LWRP grant program, a priority recommendation from the 2018 Harmful Algal Bloom (HAB) Action Plan for Chautauqua Lake; and

Project Title	Total Project Costs	NYS CFA Funding Requested	Commitment of County Cash Matching Funds	Other Sources of Local Match
9 Element Plan	\$270,600	\$202,950	\$29,250	\$38,400*

*Additional source of match funding will be cash commitment from the Alliance.

WHEREAS, the CCDPD, the Alliance, and the Chautauqua Lake Association have identified the Chautauqua Lake Mechanized Floating Vegetation Collection project for application to the 2018 WQIP grant program; and

Project Title	Total Project Costs	NYS CFA Funding Requested	Commitment of County In-Kind Matching Funds	Other Sources of Local Match
Chautauqua Lake Mechanized Floating Vegetation Collection	\$500,000	\$375,000	\$105,000*	\$20,000**

*In-Kind matching funds will leverage a portion of the County 2% Occupancy Tax Program annual Agency Allocation to the Chautauqua Lake Association for the years 2018, 2019 & 2020.

**Additional source of match funding will be cash commitment from the Alliance.

WHEREAS, by Resolution 131-15, the County reallocated project program dollars to the Alliance to specifically provide matching funding for grants to undertake Alliance member water quality projects to help Chautauqua Lake and its watershed and has \$55,351 still available; therefore, be it

RESOLVED, That the County shall commit a cash match of \$55,349 in local funding toward the first five 2018 CFA grant submissions listed above from the reallocated Alliance member water quality projects program funds established under Resolution 131-15; and be it further

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RESOLVED, That the County shall commit an in-kind match toward the 2018 CFA grant submission titled Chautauqua Lake Mechanized Floating Vegetation Collection from the County 2% Occupancy Tax Program's annual agency allocation to the Chautauqua Lake Association for in-lake services.

Signed: Odell, Chagnon, O'Connell, Starks, Muldowney, Nazzaro, Niebel, Gould

Unanimously Adopted – July 25, 2018

RES. NO. 173-18

Authorize Grant Application to New York State Department of State (NYSDOS) Division of Planning Waterfront Revitalization Program to Fund Lake Erie Waterfront Development and Investment Prospectus

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the five Great Lakes, their connecting channels, and the St. Lawrence River form one of the longest deep draft navigation systems in the world, which includes Chautauqua County's three Federal Harbors of Refuge on Lake Erie; and

WHEREAS, Barcelona Harbor, Dunkirk Harbor and Cattaraugus Creek Harbor are invaluable cultural and economic assets to Chautauqua County and to the waterfronts of the Town of Westfield, City of Dunkirk and the Town of Hanover; and

WHEREAS, the United States Army Corps of Engineers (USACE) has the primary responsibility for the operation and maintenance of these harbors and has deferred authorized maintenance activities, including dredging and breakwater repairs due to limited Federal funding for harbors with limited commercial navigation; and

WHEREAS, an economic impact analysis of the three harbors and Lake Erie waterfronts would support Chautauqua County's continuing effort to advocate for Federal funding for the authorized operation and maintenance of the harbors, support future applications for State and local funding opportunities for economic development, and encourage new private investment in our harbors and waterfronts; and

WHEREAS, this analysis of current and future economic impacts would also support and encourage future private investment and further economic development near the harbors and along the Lake Erie waterfront; and

WHEREAS, the Chautauqua County Division of Planning and Community Development desires to partner with the Town of Westfield, City of Dunkirk, Town of Hanover, and the Northern Chautauqua County Community Foundation's Local Economic Development Committee (LED) to apply for \$35,000 in grant funding from the New York State Department of State (NYSDOS) Division of Planning Local Waterfront Revitalization Program to retain a consultant to determine the true economic impact of the three harbors and entire waterfront by advancing a Development and Investment Prospectus; and

WHEREAS, the Chautauqua County Division of Planning and Community Development will coordinate the collaborative grant application effort and, if successful, commit up to \$3,500 of in-kind services for administration of the grant and project management activities as a portion of the required matching funds; and

WHEREAS, the Town of Westfield, City of Dunkirk, Town of Hanover, and the LED Group will also each commit up to \$2,500 of in-kind services for data collection and public outreach activities as matching funds in support of the effort; and

WHEREAS, the Lake Erie Management Commission is a strong advocate for Chautauqua County's harbors and waterfronts and has obligated \$5,000 from its annual Agency Allocation from the 2% Occupancy Tax Program for Lakes & Waterways as a match in support of the effort; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$232,382.45; and

WHEREAS, the Lake Erie Waterfront Development and Investment Prospectus grant application will require an additional \$5,000 of match funds to complete the project; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby supports the proposed collaborative effort to prepare and submit a grant application to the NYSDOS Division of Planning Local Waterfront Revitalization Program in connection with the New York State Consolidated Funding Application process; and be it further

RESOLVED, That if the grant is awarded, then the County will commit up to \$5,000 from the 2% Occupancy Tax Reserve to support this project.

Signed: Odell, Chagnon, O'Connell, Starks, Gould, Nazzaro, Muldowney, Niebel

Unanimously Adopted – July 25, 2018

REGULAR SESSIONS

RES. NO. 174-18
Environmental Assessment of Projects for 2019 2% Occupancy Tax Projects

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Legislature requested by Resolution No. 162-18 that the Chautauqua County Department of Planning and Development ("CCDPD") conduct a New York State Environmental Quality Review ("SEQRA") for the projects approved by the Waterways Panel for funding in 2019 as set forth below, and provide a report and recommendations to the County Legislature; and

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

WHEREAS, the CCDPD recommends that the project ranked as number 6 on the Waterways Panel list provided below be classified as a Type II Action under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law and does not require any additional environmental review; and

WHEREAS, the CCDPD recommends that the projects that are ranked as numbers 1 through 5 and 7 through 8 on the Waterways Panel list provided below be classified as Unlisted Actions under 6 N.Y.C.R.R. Part 617.2 of the Environmental Conservation Law; and

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

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

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

Project/Agency or Organization	Rank	Amount Requested	Amount Recommended
Lake Erie Tributary Knight Vineyards	1	\$ 27,565	\$ 27,565
Shorelands	2	\$ 20,000	\$ 20,000
Goose Creek Geiger	3	\$ 28,082	\$ 28,082
Maple Springs Rehab	4	\$ 24,750	\$ 24,750
Tupper Creek	5	\$ 40,000	\$ 40,000
Boat Stewardship	6	\$ 39,972	\$ 39,972
Scott Creek Sheridan	7	\$ 17,115	\$ 17,115
Canadaway Creek Hurtgen	8	\$ 26,640	\$ 26,640
TOTALS			\$ 224,124

Signed: Odell, Chagnon, O'Connell, Starks, Muldowney, Niebel, Gould, Nazzaro

(SEQRA documents on file in the Legislative Clerk's office)

Unanimously Adopted – July 25, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 175-18

Reallocate a Portion of 2018 3% Occupancy Tax Funds and Authorize Use of 3% Occupancy Tax Reserve for Dunkirk Offshore Powerboat Racing Event

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello, Legislators Bankoski & Muldowney:

WHEREAS, Chautauqua County has established a 3% occupancy tax program for the purposes of promoting, developing, and protecting the area's tourism industry; and

WHEREAS, the City of Dunkirk was allocated \$12,000 of 3% occupancy tax funding in the 2018 budget for the Dunkirk Air Show, but instead of the air show the City is hosting an offshore powerboat racing event for the first time; and

WHEREAS, the City of Dunkirk has received funding commitments for the offshore powerboat racing event that include the Chautauqua County Industrial Development Agency (CCIDA) and presenting sponsors DFT Communications, ATHENEX, and Lake Shore Savings Bank; and

WHEREAS, economic benefits to the County from the offshore powerboat racing event include approximately 600 hotel room nights for race participants, additional hotel rooms and meals for spectators, and enhanced visitation at other area attractions; and

WHEREAS, the City of Dunkirk estimates that the event costs \$150,000 to bring to the area, including expenses such as promotional marketing, a crane for launching boats, sound engineers, helicopters, and insurance; and

WHEREAS, as of June of 2018, the balance of the 3% Occupancy Tax Reserve Account was \$126,258; therefore be it

RESOLVED, That the \$12,000 of 3% Occupancy Tax monies in the 2018 budget allocated to the Dunkirk Airshow are hereby reallocated to the Dunkirk Offshore Powerboat Racing Event; and be it further

RESOLVED, That an additional \$20,500 of the 3% Occupancy Tax Reserve is hereby allocated to offset further expenses associated with the Dunkirk Offshore Powerboat Racing Event as a tourist attraction; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into all necessary agreements with the City of Dunkirk to implement this resolution; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF APPROPRIATED FUND BALANCE:

A.----.----.883 Fund Balance, Reserved Fund Bal – Reserve for Occupancy Tax \$20,500

and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4 Contractual – Promotion of Industry, Tourism \$20,500

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – July 25, 2018

RES. NO. 176-18

Implementing Resolution 194-17 – Commitment of Matching Funds for New York State Department of Environmental Conservation/New York State Environmental Facilities Corporation Wastewater Infrastructure Engineering Planning Grant Program for the Mayville-Chautauqua Stormwater Management Engineering Study

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 194-17, the County committed match of \$12,650 in local funding towards the EPG grant program for the Mayville - Chautauqua Stormwater Management Engineering Study from the reallocated Alliance capital projects program funds established under Resolution 131-15; and

WHEREAS, the project was successfully awarded state grant funding and it is necessary to amend the 2018 budget to implement the County's matching commitment; therefore be it

RESOLVED, That the Director of Finance is authorized to make the following amendments to the 2018 Budget:

DECREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.674.4 Contractual – Chaut Lake Managemnt Comm (2008) \$12,650

REGULAR SESSIONS

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

H.8020.37001.4	Contractual—Mayville Stormwater Study	\$12,650
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DECREASE CAPITAL REVENUE ACCOUNT:

H.8020.674.R503.1000	Interfund Transfer—Interfund Transfer	\$12,650
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

H.8020.37001.R503.1000	Interfund Transfer—Interfund Transfer	\$12,650
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Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – July 25, 2018

RES. NO. 177-18
Investment Policy for the County of Chautauqua

By Audit & Control Committee:

At the Request of County Executive George M. Borrello and Audit & Control Committee:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution an investment policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, New York State General Municipal Law §39 also requires the County to adopt a comprehensive investment policy; and

WHEREAS, the change in name of one of the County's authorized depositories needs to be reflected in this update of the County Investment Policy; therefore be it

RESOLVED, That the County Investment Policy is hereby reconfirmed and amended in Section VII to read as follows:

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on the County's own behalf or on behalf of any other entity or individual. The policy and procedure herein shall be in addition to any other requirements set forth in the Chautauqua County Charter, Chautauqua County Administrative Code and applicable law.

II. OBJECTIVES

The primary objectives of the County's investment activities are, in priority order,
 *to conform with all applicable federal, state and other legal requirements (legality);
 *to adequately safeguard principal (safety);
 *to provide sufficient liquidity to meet all operating requirements (liquidity); and
 *to obtain reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The County's responsibility for administration of the investment program is delegated to the Director of Finance who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability, based on a database or records incorporating description and amounts of investments, transaction dates, and other relevant information, and to regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the County to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the County to diversify its deposits and investments by financial institution, by investment instrument, and by maturity schedule.

VI. INTERNAL CONTROLS

It is the policy of the County for all moneys collected by any officer or employee of the government to transfer those funds to the Director of Finance within two (2) days of receipt, or within the time period specified in law, whichever is shorter.

The Director of Finance is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

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VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies, up to the maximum amount of \$40,000,000 for each institution, are:

Community Bank	Key Bank of New York	Lakeshore Savings & Loan
M & T Bank	Citizen's Bank N.A.	Bank of America
Evans Bank, N.A.	Northwest Bank	JP Morgan Chase, N.A.
PayPal		

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provision of General Municipal Law, Section 10, all deposits of the County, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by one or more of the following:

1. By a pledge of "eligible securities" with an aggregate "market value," or provided by general Municipal Law, Section 10, equal to the aggregate amount of deposits from the categories as designated and approved by the New York State Comptroller.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by the depository bank or trust company subject to security and custodial agreements. The security agreement shall provide that eligible securities are being pledged to secure the County deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, and the events which will enable the County to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the County, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the County or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution, or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility.

Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, Section 11, the County authorizes the Director of Finance to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

- *Special time deposit accounts;
- *Certificates of deposit;
- *Obligations of the United States of America;
- *Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- *Obligations of the State of New York;
- *Obligations issued pursuant to Local Finance Law Section 24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district, or district corporation other than the County;
- *Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorize such investments;
- *Certificates of Participation (COPS) issued pursuant to GML, Section 109-b;
- *Obligations of the County, but only with any moneys in a reserve fund established pursuant to GML, Section 6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n;

All investment obligations shall be payable or redeemable at the option of the County within such time as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the County within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The County shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the County conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the County. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Director of Finance is responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually.

The financial institutions and dealers, authorized for investment, up to an aggregate amount of \$100 million, are as follows:

REGULAR SESSIONS

Prudential Securities	Crew & Associates
Merrill Lynch	Mischler Financial Group
Bank of New York	Federal Reserve Bank –Treasury Direct
First Empire Securities	Manufacturer's & Traders Trust Co.
Morgan Stanley	Financer Securities
McDonald Investments	JP Morgan Chase, N.A.
Wachovia Securities	Greenwich Capital
Edward Jones	Duncan-Williams Inc.

The authorized custodians, up to an aggregate amount of \$100 million, are as follows:

Bank of New York	RIBS Greenwich Capital
Federal Reserve Bank	Manufacturer's & Traders Trust Co.
Wachovia Securities	Wilmington Trust
Edward Jones	Morgan Stanley
JP Morgan Chase, N.A.	

XII. PURCHASE AND SALE OF INVESTMENTS

The Director of Finance is authorized to contract for the purchase and sale of investments:

1. From an authorized trading partner, including through a repurchase agreement, future, or option contract.
2. By participation in a cooperative investment program with another governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the County.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the County.

All purchased obligations, unless registered or inscribed in the name of the County, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold, or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions shall be confirmed in writing to the County by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, Section 10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for the County, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the County a perfected interest in the securities.

The Director of Finance shall notify the County Attorney and obtain approval as to the legality of an investment prior to making purchases of any new type of investment not currently in the County's portfolio. With regard to obligations issued by any municipality, school district, or district corporation other than the County, or obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, the Director of Finance shall also receive the approval of the County Attorney as to the legality of the investment prior to making purchases of such investments.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- * All repurchase agreements must be entered into subject to a Master Repurchase Agreement. Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- * Obligations shall be limited to obligations of the United States of America, and obligations guaranteed by agencies of the United States of America, where principal and interest are guaranteed by the United States of America.
- * No substitution of securities will be allowed.
- * The custodian shall be a part other than the trading partner.

XIV. OVERSIGHT OF INVESTMENT PROGRAM

The Director of Finance shall provide written monthly investment reports to all County Legislators and the County Attorney which shall be accompanied by the actual monthly investment statements showing the County's current holdings, all transactions during the statement period, and realized and unrealized gains and losses. On not less than a quarterly basis, the Audit & Control Committee of the County Legislature shall discuss the status of the investment program at its regular committee meetings, including the four (4) objectives set forth in the County's Investment Policy. The Audit & Control Committee shall also on not less than an annual basis undertake a review with a financial advisor of the County's current investment holdings.

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – July 25, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 178-18
 Financial Management Policy for the County of Chautauqua

By Audit & Control Committee:
 At the Request of County Executive George M. Borrello and Audit & Control Committee:

WHEREAS, pursuant to Local Law 4-04 of the County of Chautauqua, the Chautauqua County Charter was amended to provide that the County Legislature shall annually adopt by resolution a comprehensive financial management policy prior to the County Executive's preparation of the tentative budget; and

WHEREAS, the current Financial Management Policy was adopted in 2015 pursuant to Resolution 147-15, and was reconfirmed in 2017 pursuant to Resolution 221-17 with no amendments; and

WHEREAS, there are no additional amendments to the existing policy proposed at this time; therefore be it

RESOLVED, That the existing Financial Management Policy is hereby reconfirmed.

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – July 25, 2018

RES. NO. 179-18
 Acceptance of Funds from the FAA and NYSDOT for the Chautauqua County/Jamestown Airport Master Plan Update

By Audit & Control Committee:
 At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration (FAA) a project application and received a grant from the FAA to pay 90% of the allowable costs incurred in accomplishing the following project at Chautauqua County/Jamestown Airport: Perform a Master Plan Update, FAA AIP Project No. 3-36-0048-048-2018 (herein called the "Project"); and

WHEREAS, the FAA has approved a Project for Chautauqua County/Jamestown Airport consisting of conducting a study and preparation of a Master Plan Update which is more fully described in the Project agreement, FAA AIP Project No. 3-36-0048-048-2018; and

WHEREAS, the New York State Department of Transportation (NYSDOT) is offering a matching grant to the FAA grant for 50% of the non-Federal share of the eligible costs; and

WHEREAS, pursuant to Resolution 306-17, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Airport Master Plan Update under the Airport Improvement Program (AIP), and funding shares for the Project are as follows:

Federal	\$ 432,900	
State	\$ 24,050	
Local	\$ 24,050	
Total Project Costs	\$ 481,000	; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Chautauqua County/Jamestown Airport; therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA and the NYSDOT for financial assistance for the project at the Chautauqua County/ Jamestown Airport as described above; and be it further

RESOLVED, That the County Executive is authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$ 24,050

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfers—Transfer to Capital \$ 24,050

REGULAR SESSIONS

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25006.4	Contractual— JHW Master Plan Update (2018)	\$481,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25006.R503.1000	Interfund Transfers – Interfund Transfer	\$ 24,050
H.5610.25006.R359.7001	NYS Aid – Airport Capital Grants	\$ 24,050
H.5610.25006.R459.2000	Federal Aid – Airport Federal Capital Grants	\$432,900
	Total	\$481,000

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Adopted w/ Scudder voting “no” – July 25, 2018

RES. NO. 180-19

Reallocating Salary Grades for Caseworker, Caseworker (CPS), Senior Caseworker, Senior Caseworker (CPS), Case Supervisor B, Case Supervisor B (CPS), and Case Supervisor A

By Administrative Services, Human Services, and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Director of Health and Human Services requested a review of the Caseworker, Caseworker (CPS), Senior Caseworker, Senior Caseworker (CPS), Case Supervisor B, Case Supervisor B (CPS), and Case Supervisor A salary grades; and

WHEREAS, the Human Resources staff reviewed the salary grades and duties currently being performed by such positions and recommended a two (2) grade salary increase in each case; and

WHEREAS, the Reallocation Committee as defined by the CSEA Unit 6300 Collective Bargaining Agreement, comprised of the County Executive, Director of Human Resources and President of CSEA Unit 6300, met and approved the recommended grade changes; and

WHEREAS, currently the title of Caseworker is at salary grade 14, the title of Caseworker (CPS) is at salary grade 16, the title of Senior Caseworker is at salary grade 17, the title of Senior Caseworker (CPS) is at salary grade 19, the title of Case Supervisor B is at salary grade 19, the title of Case Supervisor B (CPS) is at salary grade 21, and the title of Case Supervisor A is currently at salary grade 23; therefore be it

RESOLVED, That the title of Caseworker be set at salary grade 16, the title of Caseworker (CPS) be set at salary grade 18, the title of Senior Caseworker be set at salary grade 19, the title of Senior Caseworker (CPS) be set at salary grade 21, the title of Case Supervisor B be set at salary grade 21, the title of Case Supervisor B (CPS) be at salary grade 23, and the title of Case Supervisor A be set at salary grade 25 of the CSEA Unit 6300 salary schedule.
2018 CSEA Unit 6300 Salary Schedule

Caseworker	Grade 16 (\$20.82 - \$26.72 per hour) (\$37,892.40 - \$48,630.40 per year)
Caseworker (CPS)	Grade 18 (\$22.36 - \$28.73 per hour) (\$40,695.20 - \$52,588.60 per year)
Senior Caseworker	Grade 19 (\$23.26 - \$29.84 per hour) (\$42,333.20 - \$54,308.80 per year)
Senior Caseworker (CPS)	Grade 21 (\$25.03 - \$32.15 per hour) (\$45,554.60 - \$58,513.00 per year)
Case Supervisor B	Grade 21 (\$25.03 - \$32.15 per hour) (\$45,554.60 - \$58,513.00 per year)
Case Supervisor B (CPS)	Grade 23 (\$26.94 - \$34.74 per hour) (\$49,030.80 - \$63,226.80 per year)
Case Supervisor A	Grade 25 (\$29.10 - \$37.54 per hour) (\$52,962.00 - \$68,322.80 per year)

Signed: Scudder, Pavlock, Gould, Davis, Muldowney, Nazzaro, Wilfong, O'Connell, Chagnon (A.C. – Niebel voting “no”)

Adopted – R/C Vote: 17 Yes; 1 No; 1 Absent (No: Niebel) - July 25, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 181-18
 Transfer of Foreclosed Properties to Chautauqua County Land Bank Corporation

By Administrative Services and Audit & Control Committees:
 At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 65-12, Chautauqua County created one of the first five (5) authorized land bank corporations in New York State that was incorporated as the Chautauqua County Land Bank Corporation (“CCLBC”); and

WHEREAS, the mission of CCLBC is to “control and manage strategically selected dilapidated and abandoned residential and commercial properties acquired through the County tax foreclosure process, bank foreclosures and/or donations, and facilitate solutions aimed at stabilizing neighborhoods, encouraging private investment, and improving the quality of life throughout Chautauqua County;” and

WHEREAS, the CCLBC has secured \$4.42 million to date in grant funding through the NYS Office of Attorney General, primarily designated for demolition activities, side lot disposition, and the purchase of bank foreclosed properties; and

WHEREAS, to date CCLBC has successfully returned 62 vacant lots and 74 residential structures to productive use, has leveraged approximately \$2,590,000 in private investment related to renovation activities, and has worked with the municipalities to demolish more than 75 residential and mixed-use properties county-wide at a cost to the Land Bank of nearly \$1,500,000; and

WHEREAS, the County Legislature has transferred distressed tax foreclosure properties to CCLBC at no cost, but CCLBC expends between \$2,000 and \$6,000 for each acquired property as it pays the first year’s taxes, cleans the interior and exterior of the properties, secures the properties, has them appraised, and lists them through the Multiple Listing Service (MLS) so that they can be made available to the public for negotiated sale; and

WHEREAS, CCLBC has all properties appraised as-is and lists them for sale at 60% of the appraised value in order to incentivize and maximize investment by the purchasers for the require renovation work; and

WHEREAS, based on historical sales, CCLBC has sold properties for approximately \$10,000 per property on average, and any “profits” realized by CCLBC are being reinvested directly back into improving the County’s housing stock through a range of activities including renovation, side lot disposition, and demolition projects; and

WHEREAS, CCLBC aspires to become self-sustaining as it builds its capacity over time; therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute all necessary documents to transfer the following tax foreclosure properties containing distressed or at risk structures to the Chautauqua County Land Bank Corporation at no cost, and upon such other terms and conditions negotiated by the County Executive:

Auction Number	City/Town	Village	Parcel Identification	Property Location	Property Type
PA-35-2018	City/Dunkirk		060300-79.16-7-36	209 Hoyt St	Two Family Residence
PA-42-2018	City/Dunkirk		060300-79.19-3-2	111 Lincoln Ave	Two Family Residence
PA-142-2018	Jamestown		060800-387.19-9-19	68 Linwood Ave	Two Family Residence
PA-281-2018	Pomfret	Fredonia	065801-130.06-2-15.1	67 Seymour St	Two Family Residence
PA-62-2018	Jamestown		060800-370.18-4-28	W 11Th St	Two Family Residence
PA-151-2018	Jamestown		060800-387.33-2-36	405 E 5Th St	Social Organization
PA-2-2018	City/Dunkirk		060300-79.07-1-80	68 Armadillo St	Single Family Residence
PA-3-2018	City/Dunkirk		060300-79.11-3-18	19 N Ermine St	Single Family Residence
PA-57-2018	Jamestown		060800-370.16-4-1	84 Hotchkiss St	Single Family Residence
PA-79-2018	Jamestown		060800-387.05-6-27	24 Meadow Ln	Single Family Residence
PA-80-2018	Jamestown		060800-387.05-6-5	83 Livingston Ave	Single Family Residence
PA-136-2018	Jamestown		060800-387.17-5-50	476 Baker St	Single Family Residence
PA-210-2018	Chautauqua	Mayville	062801-262.11-3-2	74 Valley St	Single Family Residence
PA-260-2018	Hanover	Silver Creek	064603-49.06-2-33	44 Babcock Ave	Single Family Residence
PA-347-2018	Westfield	Westfield	067201-210.05-2-41	127 Union St	Single Family Residence
PA-111-2018	Jamestown		060800-387.13-10-8	1406 Newland Ave	Single Family Residence
PA-24-2017	City/Dunkirk		060300-79.19-2-22	108 Maple Ave	Residential Vacant Land
PA-112-2018	Jamestown		060800-387.13-10-9	Newland Ave	Residential Vac Land
PA-211-2018	Chautauqua	Mayville	062801-262.11-3-3	Valley St	Residential Vac Land
PA-63-2018	Jamestown		060800-370.18-4-29	W 11Th St	Residential Vac Land
PA-99-2018	Jamestown		060800-387.09-2-28	Hall Ave	Residential Vac Land
PA-242-2018	Ellicott		063889-386.10-2-28	S Alleghany Ave	Residential Vac Land
PA-48-2018	City/Dunkirk		060300-79.19-8-67	727 Washington Ave	Apartment

Signed: Gould, Chagnon, Davis, Muldowney, Himelein, Nazzaro (A.S. Scudder voting “no” – A.C. Niebel voting “no”)

MOVED by Legislator Nazzaro, SECONDED by Legislator Chagnon to amend by adding the following:

PA-308-2018 Portland 066089-111.11-1-13 5417 Rt. 5 Single Family Residence

Unanimously Carried

Adopted – R/C Vote: 16 Yes; 2 No; 1 Absent (No: Niebel & Scudder) - July 25, 2018

REGULAR SESSIONS

RES. NO. 182-18
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-1-2018	C/Dunkirk	060300-78.20-1-24.1	Darius Buchanan	\$ 5,000.00	\$23,175.22
PA-4-2018	C/Dunkirk	060300-79.11-3-21	William Cambria	\$ 9,500.00	\$ 8,296.13
PA-5-2018	C/Dunkirk	060300-79.11-5-40	Araceli Ramos Rojas	\$ 175.00	\$ 656.01
PA-6-2018	C/Dunkirk	060300-79.11-5-49	William Soto	\$ 9,000.00	\$ 4,343.00
PA-7-2018	C/Dunkirk	060300-79.11-6-15	Michael B Young	\$ 3,200.00	\$ 3,402.85
PA-7-2015	C/Dunkirk	060300-79.11-6-25	Alberto Rodriguez	\$ 25.00	\$ 5,187.09
PA-8-2018	C/Dunkirk	060300-79.11-6-58	William Soto	\$ 8,500.00	\$ 5,978.25
PA-9-2018	C/Dunkirk	060300-79.11-6-60	William Soto	\$ 8,500.00	\$ 4,033.59
PA-10-2018	C/Dunkirk	060300-79.11-7-15	Blake Smith	\$ 900.00	\$ 4,242.93
PA-14-2018	C/Dunkirk	060300-79.12-5-55	Prudencio Ortiz	\$ 9,500.00	\$ 9,980.84
PA-22-2018	C/Dunkirk	060300-79.14-5-60	William Soto	\$ 9,000.00	\$ 3,697.00
PA-27-2018	C/Dunkirk	060300-79.15-3-5	Alma Latina Restaurant	\$ 5,750.00	\$ 7,141.92
PA-28-2018	C/Dunkirk	060300-79.15-3-7	Alma Latina Restaurant	\$ 55.00	\$ 164.39
PA-29-2018	C/Dunkirk	060300-79.15-3-8	Alma Latina Restaurant	\$ 5,445.00	\$ 8,844.71
PA-30-2018	C/Dunkirk	060300-79.15-5-31	Uthumporn Noithanom	\$ 6,500.00	\$ 7,217.29
PA-15-2016	C/Dunkirk	060300-79.15-4-54	Steven & Charlotte Geiger	\$ 25.00	\$ 587.36
PA-37-2018	C/Dunkirk	060300-79.17-1-6	Charlene E Wilson	\$ 10.00	\$ 245.77
PA-41-2018	C/Dunkirk	060300-79.19-2-69	William Cambria	\$ 2,000.00	\$ 6,720.49
PA-44-2018	C/Dunkirk	060300-79.19-6-12	Sandra L Morris	\$ 10.00	\$ 306.34
PA-45-2018	C/Dunkirk	060300-79.19-6-22	Uthumporn Noithanom	\$ 2,905.00	\$ 3,536.59
PA-46-2018	C/Dunkirk	060300-79.19-6-23	Uthumporn Noithanom	\$ 595.00	\$ 853.40
PA-47-2018	C/Dunkirk	060300-79.19-7-26	Chautauqua Rentals LLC	\$17,500.00	\$ 6,778.53
PA-49-2018	C/Dunkirk	060300-79.20-1-58	Sandra L Morris	\$ 10.00	\$ 366.82
PA-50-2018	C/Dunkirk	060300-79.20-5-30	John Robert Davis Jr	\$ 10.00	\$ 188.98
PA-54-2018	C/Dunkirk	060300-96.15-1-14	Stacy Stebell	\$ 1,100.00	\$ 1,046.39
PA-55-2018	C/Jamestown	060800-369.20-3-49	Carl Mascio	\$ 10.00	\$ 235.62
PA-37-2016	C/Jamestown	060800-370.16-7-9	Alisha Holland	\$ 10.00	\$12,536.96
PA-59-2018	C/Jamestown	060800-370.18-3-16	William Soto	\$ 7,500.00	\$ 3,140.00
PA-60-2018	C/Jamestown	060800-370.18-3-84	William Soto	\$10,500.00	\$ 5,438.00
PA-64-2018	C/Jamestown	060800-370.18-4-37	Linda Baldwin	\$18,500.00	\$18,759.00
PA-65-2018	C/Jamestown	060800-370.18-4-47	Heather Fields	\$10,080.00	\$ 9,299.00
PA-66-2018	C/Jamestown	060800-370.18-4-48	Heather Fields	\$ 420.00	\$ 313.98

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PA-59-2014	C/Jamestown	060800-370.19-3-66	Bradley Mason	\$ 10.00	\$ 4,655.81
PA-49-2016	C/Jamestown	060800-370.20-2-44	Raymond Johnson & Bryant Morrow	\$ 3,100.00	\$16,759.71
PA-72-2018	C/Jamestown	060800-370.20-4-54	William Soto	\$ 7,500.00	\$ 3,677.75
PA-58-2017	C/Jamestown	060800-370.20-5-7	Elite Kreations LLC	\$ 200.00	\$ 322.38
PA-64-2017	C/Jamestown	060800-371.09-4-66	Linda Baldwin	\$ 160.00	\$ 183.02
PA-74-2018	C/Jamestown	060800-371.09-5-41	Erica A Skinner	\$ 30.00	\$ 313.98
PA-77-2018	C/Jamestown	060800-371.13-4-19	Raymond Lamont Johnson	\$ 1,300.00	\$ 2,113.11
PA-82-2018	C/Jamestown	060800-387.06-3-38	Uthumporn Noithanom	\$ 2,600.00	\$ 3,755.62
PA-83-2018	C/Jamestown	060800-387.06-4-38	William Soto	\$ 4,851.26	\$ 4,892.29
PA-84-2018	C/Jamestown	060800-387.06-4-39	William Soto	\$ 4,851.26	\$ 2,501.46
PA-85-2018	C/Jamestown	060800-387.06-6-12	Uthumporn Noithanom	\$ 9,500.00	\$ 3,916.76
PA-86-2018	C/Jamestown	060800-387.08-1-5	Eric Thomas Rhodes	\$ 10.00	\$ 207.58
PA-87-2018	C/Jamestown	060800-387.08-1-56	Elite Kreations LLC	\$ 3,000.00	\$ 274.66
PA-90-2018	C/Jamestown	060800-387.08-4-46	Uthumporn Noithanom	\$18,000.00	\$ 6,107.40
PA-92-2018	C/Jamestown	060800-387.08-8-4	Jennifer A Lang	\$ 25.00	\$ 450.72
PA-79-2017	C/Jamestown	060800-387.08-8-46	Joshua Thielges	\$ 30.00	\$ 200.39
PA-93-2018	C/Jamestown	060800-387.08-9-45	Harrison T Davis II	\$ 2,300.00	\$ 7,980.46
PA-94-2018	C/Jamestown	060800-387.08-9-46	Harrison T Davis II	\$ 200.00	\$ 608.84
PA-103-2018	C/Jamestown	060800-387.12-1-60.1	Blake Smith	\$ 750.00	\$ 987.24
PA-105-2018	C/Jamestown	060800-387.12-4-10	William Soto	\$10,000.00	\$ 5,633.53
PA-80-2016	C/Jamestown	060800-387.12-4-13	Richard Rechin	\$ 10.00	\$ 972.71
PA-106-2018	C/Jamestown	060800-387.12-4-7	Arsenia Espinal	\$16,000.00	\$25,134.95
PA-114-2018	C/Jamestown	060800-387.13-6-31	Uthumporn Noithanom	\$ 4,500.00	\$ 3,677.75
PA-115-2018	C/Jamestown	060800-387.13-6-7	Uthumporn Noithanom	\$ 9,000.00	\$ 9,046.03
PA-116-2018	C/Jamestown	060800-387.14-2-48	Charles Lee Darling	\$39,000.00	\$ 8,955.29
PA-117-2018	C/Jamestown	060800-387.14-3-12	William Soto	\$10,000.00	\$ 4,460.00
PA-119-2018	C/Jamestown	060800-387.14-8-23.1	William Soto	\$19,000.00	\$ 6,044.39
PA-120-2018	C/Jamestown	060800-387.15-12-23	Raymond Johnson & Bryant Morrow	\$ 8,500.00	\$ 3,485.67
PA-121-2018	C/Jamestown	060800-387.15-7-25	Uthumporn Noithanom	\$12,000.00	\$ 5,928.40
PA-122-2018	C/Jamestown	060800-387.15-8-53	Timothy J Gurnari	\$12,000.00	\$ 3,835.24
PA-123-2018	C/Jamestown	060800-387.15-8-54	Timothy J Gurnari	\$ 40.00	\$ 464.05
PA-124-2018	C/Jamestown	060800-387.15-9-21	William Soto	\$13,000.00	\$ 6,611.00
PA-126-2018	C/Jamestown	060800-387.15-9-30	Kristie Nichole Zavala	\$ 9,500.00	\$ 3,993.94
PA-128-2018	C/Jamestown	060800-387.16-2-58	Stephanie Samuelson	\$ 180.00	\$ 294.49
PA-129-2018	C/Jamestown	060800-387.16-2-59	Stephanie Samuelson	\$ 8,820.00	\$ 7,198.31
PA-130-2018	C/Jamestown	060800-387.16-3-5	Keirsten Lynn Haight-Ormsby	\$ 660.00	\$ 372.49
PA-131-2018	C/Jamestown	060800-387.16-3-6	Keirsten Lynn Haight-Ormsby	\$ 18,700.00	\$ 7,197.50
PA-132-2018	C/Jamestown	060800-387.16-3-7	Keirsten Lynn Haight-Ormsby	\$ 2,640.00	\$ 1,135.29
PA-141-2018	C/Jamestown	060800-387.19-8-36	Stephanie Samuelson	\$16,000.00	\$ 7,784.88
PA-144-2018	C/Jamestown	060800-387.25-1-21	William Soto	\$ 8,500.00	\$ 4,844.53
PA-145-2018	C/Jamestown	060800-387.25-1-22	William Soto	\$20,000.00	\$ 4,743.00
PA-125-2016	C/Jamestown	060800-387.25-3-34	Jennifer A Lang	\$ 1,000.00	\$ 3,126.87
PA-147-2018	C/Jamestown	060800-387.26-4-13	Uthumporn Noithanom	\$ 3,185.00	\$ 2,884.80
PA-241-2011	C/Jamestown	060800-387.26-4-14	Uthumporn Noithanom	\$ 315.00	\$ 9,009.35
PA-150-2018	C/Jamestown	060800-387.33-1-12	Harold W Whitford	\$ 30.00	\$ 326.62
PA-152-2018	C/Jamestown	060800-387.34-2-17	Edward Sherman	\$ 10.00	\$ 374.34
PA-154-2018	C/Jamestown	060800-387.34-3-10	Enrique Melendez	\$21,000.00	\$ 6,611.36

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PA-155-2018	C/Jamestown	060800-387.34-3-4	Daisy Jorge	\$ 1.00	\$ 235.62
PA-156-2018	C/Jamestown	060800-387.34-3-5	Daisy Jorge	\$ 9.00	\$ 2,426.37
PA-158-2018	C/Jamestown	060800-387.34-4-26	William Soto	\$ 1,000.00	\$ 2,298.00
PA-159-2018	C/Jamestown	060800-387.39-1-27	Uthumporn Noithanom	\$ 2,000.00	\$ 2,915.84
PA-161-2018	C/Jamestown	060800-387.39-2-15	Joanne Fuller	\$ 2,000.00	\$ 744.12
PA-182-2014	C/Jamestown	060800-387.41-3-30	Duncan Oleshak	\$ 50.00	\$ 4,525.59
PA-165-2018	C/Jamestown	060800-388.05-1-49	William Soto	\$30,000.00	\$ 8,567.16
PA-166-2018	C/Jamestown	060800-388.05-2-35	Peter Smith	\$ 75.00	\$ 440.99
PA-167-2018	C/Jamestown	060800-388.05-3-27	William Soto	\$21,000.00	\$ 5,857.09
PA-169-2018	C/Jamestown	060800-404.08-1-10	Linda A Troutman	\$ 20.00	\$ 353.08
PA-170-2018	Arkwright	062000-131.00-2-61	Christopher A Callen	\$ 2,000.00	\$ 1,147.85
PA-174-2018	Arkwright	062000-182.00-2-28	Joseph Hubler	\$ 4,000.00	\$ 5,165.86
PA-184-2018	Busti/Lkwd	062201-385.08-1-3	Jennifer Price	\$ 1,320.00	\$ 584.50
PA-185-2018	Busti/ Lkwd	062201-385.08-1-4	Jennifer Price	\$ 1,320.00	\$ 584.50
PA-186-2018	Busti/ Lkwd	062201-385.08-1-5	Jennifer Price	\$ 1,210.00	\$ 569.62
PA-187-2018	Busti/ Lkwd	062201-385.08-1-6	Jennifer Price	\$ 1,650.00	\$ 689.16
PA-189-2018	Busti	062289-385.05-5-65	Nathan Eggleston	\$ 390.00	\$ 200.00
PA-190-2018	Busti	062289-385.05-5-66	Nathan Eggleston	\$12,350.00	\$ 5,845.35
PA-191-2018	Busti	062289-385.05-5-67	Nathan Eggleston	\$ 260.00	\$ 286.31
PA-193-2018	Busti	062289-419.00-1-15	Carl Mascio	\$ 50.00	\$ 668.78
PA-195-2018	Carroll	062400-407.00-2-84	Silas Anthony Basdeo	\$26,000.00	\$ 8,290.64
PA-198-2018	Carroll	062400-423.06-2-8	Carl Mascio	\$ 30.00	\$ 213.45
PA-199-2018	Carroll	062400-423.11-1-29	Eric W Anderson	\$ 592.00	\$ 810.36
PA-200-2018	Carroll	062400-423.11-1-30	Eric W Anderson	\$ 208.00	\$ 388.22
PA-203-2018	Carroll	062400-458.00-1-35	Randy & Michelle Lingenfelter	\$ 7,500.00	\$ 2,048.93
PA-205-2018	V/Sinclairville	062601-251.03-1-45	Matthew A Rudy	\$ 1,000.00	\$ 4,722.17
PA-208-2018	V/Mayville	062801-245.20-1-18	Peter Poodry	\$41,160.00	\$17,227.64
PA-209-2018	V/Mayville	062801-245.20-1-24	Peter Poodry	\$ 840.00	\$ 530.00
PA-220-2018	Cherry Creek	063000-237.11-2-20	Jeremy A Jock	\$10,000.00	\$ 17,394.85
PA-221-2018	Cherry Creek	063000-237.11-2-5	Charles A Carbone	\$ 260.00	\$ 445.54
PA-222-2018	Cherry Creek	063000-237.11-2-6	Michele Joseph	\$12,740.00	\$ 9,545.23
PA-223-2018	Cherry Creek	063000-237.12-1-51	Marc Colvin	\$ 250.00	\$519,728.70
PA-227-2018	T/ Dunkirk	063400-97.05-1-16	John Robert Davis Jr	\$15,000.00	\$ 8,678.83
PA-234-2018	V/Celoron	063801-386.06-4-3	Kathy Sullivan	\$ 10.00	\$ 413.48
PA-203-2017	Ellicott	063889-371.07-5-5	Eric W Anderson	\$ 400.00	\$ 2,158.84
PA-243-2018	Ellicott	063889-388.00-1-1	Brian L Hoitink	\$ 10.00	\$ 287.73
PA-249-2018	French Creek	064200-411.00-1-57	James Borsick	\$ 2,100.00	\$ 413.26
PA-252-2018	Gerry	064489-269.00-1-20.1	LITTLE IOWA LLC	\$42,500.00	\$ 3,264.28
PA-258-2018	Hanover/ Silver Creek	064603-32.18-5-48	Christian Michael Lamoreaux	\$ 6,000.00	\$ 12,884.67
PA-264-2018	Hanover	064689-119.00-1-12	Peter Smith	\$ 6,250.00	\$ 5,544.29
PA-265-2018	Hanover	064689-16.18-2-44	Sandra L Morris	\$ 10.00	\$ 284.55
PA-266-2018	Hanover	064689-33.00-1-21	Michael John Morrison	\$ 950.00	\$ 509.39
PA-268-2018	Hanover	064689-84.00-1-4	Danielle Corbett	\$ 10.00	\$ 265.97
PA-269-2018	Harmony	064889-434.00-1-4	David Munsee	\$ 2,300.00	\$ 711.02
PA-272-2018	Mina	065200-359.15-2-28	Sandra Lyn Mccray	\$ 250.00	\$ 353.91
PA-275-2018	N. Harmony	065400-367.14-1-30	Kathy Sullivan	\$ 4.00	\$ 234.23
PA-276-2018	N. Harmony	065400-367.14-1-32	Kathy Sullivan	\$ 6.00	\$ 270.37
PA-277-2018	N. Harmony	065400-384.11-1-10	Jason R McChesney	\$10,500.00	\$ 6,750.64

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PA-278-2018	Poland	065600-355.00-2-14	Mary Ann Yachetta	\$23,000.00	\$ 8,011.55
PA-282-2018	Pomfret/ Fredonia	065801-96.03-1-22.1	Thomas H Mckelvey	\$ 1,400.00	\$ 11,170.92
PA-283-2018	Pomfret	065889-111.00-1-7.1	Uthumporn Noithanom	\$18,000.00	\$ 20,269.87
PA-294-2018	Pomfret	065889-145.00-2-79	William Soto	\$26,000.00	\$ 16,331.07
PA-296-2018	Pomfret	065889-148.00-1-53	RYLT RE INC	\$ 60.00	\$ 574.28
PA-297-2018	Pomfret	065889-163.00-1-20	Sharilyn Gugino-Rossotto	\$16,000.00	\$ 11,315.88
PA-298-2018	Pomfret	065889-163.00-1-27	Richard Rechin	\$ 5,750.00	\$ 1,379.27
PA-299-2018	Pomfret	065889-163.00-2-17	Robert Bender Jr	\$28,000.00	\$ 15,864.88
PA-304-2018	Portland /Brocton	066001-161.08-2-10	Lauren Palleschi	\$14,000.00	\$ 24,360.56
PA-305-2018	Portland/ Brocton	066001-162.09-1-25	William Soto	\$29,000.00	\$ 16,600.79
PA-306-2018	V/Brocton	066001-162.09-1-66	Gregory Krauza	\$ 6,000.00	\$ 9,030.62
PA-309-2018	Portland	066089-145.00-1-29	Donna Fox	\$ 5,000.00	\$ 5,202.33
PA-310-2018	Portland	066089-161.02-1-3	Kenneth Roberts	\$28,000.00	\$ 10,311.27
PA-311-2018	Portland	066089-161.10-1-43	CKM Properties LLC	\$13,000.00	\$ 8,395.81
PA-313-2018	Ripley	066200-223.00-1-50	Joseph Orton	\$ 1,610.00	\$ 1,193.08
PA-314-2018	Ripley	066200-223.00-1-51	Joseph Orton	\$18,860.00	\$ 10,707.83
PA-315-2018	Ripley	066200-223.00-1-52	Joseph Orton	\$ 2,530.00	\$ 1,516.72
PA-317-2018	Ripley	066200-239.00-1-15	Randy L Mattocks	\$ 8,500.00	\$ 4,202.75
PA-326-2018	Sheridan	066400-114.00-1-15	Mark A Shuler	\$ 650.00	\$ 1,238.91
PA-332-2018	Sheridan	066400-98.05-1-20	Ernie Laemmerhirt	\$15,000.00	\$16,205.35
PA-333-2018	Stockton	066889-197.00-1- 19.2	Virgil J Yonkers	\$ 6,000.00	\$ 3,551.77
PA-334-2018	Stockton	066889-214.12-1-19	Sharon & Lee Fischer	\$ 3,750.00	\$ 1,549.86
PA-335-2018	Stockton	066889-215.00-3-26	Cole Peterson	\$13,000.00	\$ 3,806.73
PA-336-2018	Stockton	066889-232.00-1-31	Charles L Hebner Jr	\$ 6,500.00	\$ 1,336.68
PA-341-2018	Villanova	067000-187.00-1-22	Daniel Thomas O'Hara	\$ 2,000.00	\$ 432.59
PA-344-2018	Westfield/ Westfield	067201-192.16-2-35	Jonathan D Ribbing	\$40,000.00	\$ 2,626.66
PA-345-2018	Westfield/ Westfield	067201-193.13-1-63	James C Summerville	\$10,000.00	\$ 5,254.48
PA-349-2018	Westfield	067289-176.06-1-2	Paul Battin	\$28,000.00	\$11,783.56
PA-350-2018	Westfield	067289-176.06-1-34	James Brotz	\$ 480.00	\$ 225.22
PA-351-2018	Westfield	067289-176.06-1-35	James Brotz	\$ 480.00	\$ 225.22
PA-352-2018	Westfield	067289-176.06-1-36	James Brotz	\$ 480.00	\$ 225.22
PA-353-2018	Westfield	067289-176.06-1-37	James Brotz	\$ 480.00	\$ 225.22
PA-354-2018	Westfield	067289-176.06-1-38	James Brotz	\$ 480.00	\$ 225.22
PA-355-2018	Westfield	067289-176.06-1-39	James Brotz	\$ 480.00	\$ 225.22
PA-356-2018	Westfield	067289-176.06-1-40	James Brotz	\$ 480.00	\$ 225.22
PA-357-2018	Westfield	067289-176.06-1-41	James Brotz	\$ 1,320.00	\$ 375.98
PA-358-2018	Westfield	067289-176.06-1-42	James Brotz	\$ 1,320.00	\$ 375.98
PA-359-2018	Westfield	067289-176.06-2-1	Paul Battin	\$ 1,000.00	\$ 225.22
PA-360-2018	Westfield	067289-226.00-1-38	Pamela & Gordon Cox	\$ 4,000.00	\$ 1,355.51
QC-17-2018	C/Dunkirk	060300-79.14-1-45	OMAR LAO	\$ 5,534.72	\$ 5,535.00
QC-18-2018	C/Dunkirk	060300-79.14-2-48	SHEILA BUCHANAN NANCE	\$ 4,085.15	\$ 3,678.50
QC-26-2018	C/Dunkirk	060300-79.15-3-29	NS163 LLC	\$ 9,152.95	\$ 9,495.00
QC-33-2018	C/Dunkirk	060300-79.16-3-51	ESTATE OF JOHN B JAGODA	\$ 699.37	\$ 655.00
QC-34-2018	C/Dunkirk	060300-79.16-3-52	ESTATE OF JOHN B JAGODA	\$ 7,102.25	\$ 5,857.00
QC-52-2018	C/Dunkirk	060300-96.06-3-12	THE CARE CENTER PHARMACY INC.	\$50,489.05	\$46,013.00

REGULAR SESSIONS

QC-70-2018	C/Jamestown	060800-370.19-7-6	MICHELLE R JOHNSON	\$ 245.65	\$ 246.00
QC-71-2018	C/Jamestown	060800-370.19-8-49	GREATER CHAUTAUQUA	\$14,833.73	\$14,833.73
QC-75-2018	C/Jamestown	060800-371.13-2-12	KRAIG JOHNSON	\$ 729.18	\$ 723.00
QC-78-2018	C/Jamestown	060800-371.13-5-37	CHRIS M PAULSON	\$ 5,438.08	\$ 5,438.00
QC-81-2018	C/Jamestown	060800-387.06-3-12	CARL A FAISON	\$ 3,677.75	\$ 3,678.00
QC-89-2018	C/Jamestown	060800-387.08-4-19	FAITH DIBLASI	\$ 3,676.14	\$ 3,676.00
QC-91-2018	C/Jamestown	060800-387.08-8-35	STACY L RUGG	\$ 1,564.53	\$ 1,564.53
QC-96-2018	C/Jamestown	060800-387.08-9-67	SHANE SAXTON	\$ 2,059.03	\$ 2,059.03
QC-97-2018	C/Jamestown	060800-387.09-1-14	JACQUELINE A VINCENT	\$ 8,410.18	\$ 8,410.00
QC-98-2018	C/Jamestown	060800-387.09-1-39	JOSE M RIVERA	\$ 2,949.83	\$ 2,949.83
QC-100-2018	C/Jamestown	060800-387.09-3-9	MANUEL HUNTER	\$ 8,820.77	\$ 8,821.00
QC-101-2018	C/Jamestown	060800-387.09-6-21	NEW FALLS CORPORATION	\$ 5,518.90	\$ 5,518.90
QC-107-2018	C/Jamestown	060800-387.12-8-31	DOUGLAS R TOWNE	\$11,742.32	\$11,742.32
QC-113-2018	C/Jamestown	060800-387.13-5-16	LESLIE C FAGAN	\$ 3,203.88	\$ 3,199.05
QC-125-2018	C/Jamestown	060800-387.15-9-25	TINDARO CALAMUNCI TTEE	\$ 5,328.17	\$ 5,328.00
QC-127-2018	C/Jamestown	060800-387.15-9-52	MARCUS R BJORK	\$ 4,420.37	\$ 4,420.00
QC-133-2018	C/Jamestown	060800-387.16-4-23	RYAN GUNNELL	\$10,131.78	\$10,131.78
QC-134-2018	C/Jamestown	060800-387.17-4-25	THOMAS CHRISTOFF	\$ 2,235.66	\$ 2,236.00
QC-135-2018	C/Jamestown	060800-387.17-4-26	THOMAS CHRISTOFF	\$ 2,582.10	\$ 2,582.00
QC-139-2018	C/Jamestown	060800-387.18-4-4	SARAH M BOSCIA	\$ 5,956.58	\$ 5,956.58
QC-143-2018	C/Jamestown	060800-387.20-2-46	MICHELLE PACE-WILLIAMS	\$12,800.71	\$12,800.71
QC-153-2018	C/Jamestown	060800-387.34-2-6	JEFFREY L FRANGIONE	\$ 6,428.78	\$ 6,484.13
QC-162-2018	C/Jamestown	060800-387.40-3-10	WORLD BUSINESS LENDERS	\$ 6,851.82	\$ 6,852.00
QC-164-2018	C/Jamestown	060800-387.42-2-6	THOMAS L OLDRO	\$ 2,065.87	\$ 2,066.00
QC-172-2018	Arkwright	062000-132.00-1-16	ALISHA SCINTA	\$ 4,399.84	\$24,400.00
QC-173-2018	Arkwright	062000-166.00-1- 18.1	BERNARD T LINDQUIST	\$ 5,012.25	\$ 4,969.20
QC-178-2018	V/Lakewood	062201-368.19-2-49	STEPHEN S SMITH	\$ 4,533.97	\$ 4,534.00
QC-180-2018	V/Lakewood	062201-368.19-2-51	STEPHEN S SMITH	\$ 8,496.82	\$ 8,497.00
QC-183-2018	V/Lakewood	062201-385.07-3-4	NS163 LLC	\$10,204.60	\$10,205.00
QC-196-2018	Carroll	062400-423.05-1-46	KEVIN E DELONG	\$15,990.42	\$15,990.00
QC-197-2018	Carroll	062400-423.05-1-70	KEVIN E DELONG	\$ 431.86	\$ 431.86
QC-201-2018	Carroll	062400-425.00-1-48	TROY JACKSON	\$ 7,250.27	\$ 7,250.00
QC-202-2018	Carroll	062400-441.00-2- 43.1	ROBIN SCHROEDER	\$ 3,920.00	\$ 3,920.00
QC-204-2018	V/Sinclairville	062601-251.01-1-21	RANDY D PERSON	\$ 4,561.58	\$ 4,561.58
QC-206-2018	Charlotte	062689-199.00-3- 3..A	COUNTY OF CHAUTAUQUA IDA	\$ 517.03	\$ 517.03
QC-207-2018	Charlotte	062689-199.00-3- 6.2..A	COUNTY OF CHAUTAUQUA IDA	\$ 517.03	\$ 517.03
QC-214-2018	Chautauqua	062889-260.00-1-6	FRED DAVIS	\$ 6,617.84	\$ 6,618.00
QC-216-2018	Chautauqua	062889-280.17-1-39	CHARLES R SMITH	\$ 8,397.88	\$ 8,398.00
QC-217-2018	Chautauqua	062889-313.00-1-1	ESTATE OF DON W BREADS	\$ 6,014.25	\$ 6,014.25
QC-218-2018	Chautauqua	062889-314.00-1-14	CHANDRA TYLER	\$ 5,889.84	\$ 5,889.84
QC-219-2018	Chautauqua	062889-314.00-1-55	KARL J LYDELL	\$ 591.87	\$ 589.89
QC-224-2018	Cherry Creek	063000-237.12-1-8	HEATHER STEVES	\$ 4,023.38	\$ 4,023.00
QC-228-2018	Ellery	063689-318.00-1-8	DAVID R HARVEY	\$ 1,346.57	\$ 1,347.00
QC-229-2018	Ellery	063689-352.00-1-30	MARTIN A HEGLUND	\$ 3,158.26	\$ 3,158.26
QC-231-2018	V/Celoron	063801-369.18-1-40	GLENN NECKERS	\$ 3,804.45	\$ 3,804.45
QC-238-2018	V/ Falconer	063803-371.07-2-23	KELSEY BRAUN	\$ 4,438.90	\$ 4,439.00
QC-240-2018	Ellicott	063889-337.00-1-39	LAVERNE JOHNSON	\$ 1,053.01	\$ 1,045.05

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QC-241-2018	Ellicott	063889-353.00-5-39.1	SEAN K FITZGERALD	\$ 439.44	\$ 439.44
QC-244-2018	Ellicott	063889-388.00-1-9	DANIEL R COLBURN	\$ 4,219.55	\$ 4,219.55
QC-245-2018	Ellington	064000-270.00-3-11	U.S. BANK NA	\$ 8,605.82	\$ 8,605.82
QC-247-2018	Ellington	064000-288.18-2-31	ROBERT C FOY	\$ 4,989.60	\$ 4,990.00
QC-248-2018	Ellington	064000-322.00-1-3	ROBERT E JOHNSON	\$ 1,145.23	\$ 1,145.23
QC-250-2018	V/Sinclairville	064401-251.03-2-24	ALAYZIA LOCKWOOD	\$ 840.13	\$ 827.73
QC-253-2018	Gerry	064489-269.00-1-40	WILLIAM J RASCH JR	\$ 4,534.27	\$ 4,534.00
QC-255-2018	Gerry	064489-302.13-1-20	DANIEL ROBERT LUCARIELLO	\$ 5,949.56	\$ 5,950.00
QC-257-2018	V/Silver Creek	064603-32.18-1-36	ROBERT RIZZO	\$ 6,582.21	\$ 6,582.21
QC-263-2018	Hanover	064689-118.00-1-5	MIHKEL P RAAG	\$ 5,312.57	\$ 3,716.93
QC-271-2018	Kiantone	065000-422.00-1-11.2	MARVIN L SHAVER	\$ 4,001.28	\$ 4,001.00
QC-273-2018	N/Harmony	065400-332.00-2-5	SUSAN L SLEBODA	\$ 3,962.51	\$ 3,923.28
QC-274-2018	N/Harmony	065400-332.16-1-39	NANCY J SWANSON	\$ 4,421.21	\$ 4,421.21
QC-279-2018	V/Fredonia	065801-113.12-1-14	PERRY A ALBERT	\$26,134.87	\$25,905.10
QC-292-2018	Pomfret	065889-131.09-1-8	ADAM J FULLER	\$ 316.02	\$ 316.02
QC-300-2018	V/Brocton	066001-144.20-1-20	ROBERTA J LOVELAND	\$ 434.27	\$ 434.27
QC-301-2018	V/Brocton	066001-144.20-1-21	ROBERTA J LOVELAND	\$19,975.71	\$19,976.00
QC-303-2018	V/Brocton	066001-145.17-2-48	ROBERTA J LOVELAND	\$ 7,192.29	\$ 7,192.00
QC-316-2018	Ripley	066200-225.00-1-25	CHARLES W BRILVITCH	\$ 9,477.57	\$ 9,478.00
QC-318-2018	Ripley	066200-239.00-1-21	WILLIAM COLLINS	\$ 8,438.34	\$ 8,438.34
QC-322-2018	Ripley	066200-240.16-2-3	ESTATE OF REGALDO SOTO	\$ 6,278.90	\$ 6,279.00
QC-323-2018	Ripley	066200-240.16-2-52	MICHAEL FEDORCHAK	\$ 4,610.83	\$ 4,572.00
QC-331-2018	Sheridan	066400-63.00-2-6	GARY DUDEK II	\$14,006.19	\$14,006.19
QC-339-2018	Stockton	066889-265.00-3-5.1	CARL C HEILMAN	\$ 7,379.15	\$ 7,379.15
QC-340-2018	Villanova	067000-134.00-2-4	MIHKEL P RAAG	\$ 5,000.45	\$ 3,405.85
QC-346-2018	V/Westfield	067201-193.17-1-16	JOAN DIMPERIO	\$ 6,360.10	\$ 6,360.10
QC-348-2018	V/Westfield	067201-210.13-1-5	ESTATE OF ARTHUR E WRIGHT	\$ 2,747.52	\$ 2,748.00
QC-361-2018	Westfield	067289-310.00-3-9.3	DANIEL MILLIRON	\$ 1,108.51	\$ 1,109.00

Total \$1,662,808.84 \$1,776,876.17

Signed: Scudder, Muldowney, Himelein, Chagnon, Gould, Nazzaro (A.S. – Amended) (A.C. – Niebel voting “no”)

Adopted – R/C Vote: 17 Yes; 1 No; 1 Absent (No: Niebel) - July 25, 2018

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Bankoski, SECONDED by Legislator Gould and duly carried the meeting was adjourned. 7:25 p.m.

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, August 22, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

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

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

MOVED by Legislator Bankoski, SECONDED by Legislator Nazzaro, the minutes were approved. (7/25/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

RES. NO. 183-18
Confirm Appointment – North Chautauqua Lake Sewer District Board

By Public Facilities Committee:
At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the North Chautauqua Lake Sewer District was established as a County Sewer District by Resolution 86-75, as amended, and Resolution 37-76; and

WHEREAS, Pursuant to County Resolution 38-76 and County Law §261 the District is administered by a board consisting of seven members appointed by the County Legislature, who serve six year terms with three of the terms expiring in one year, and the remaining terms expiring three years later, and with the Board Chair elected by the membership for a two year term; and

RESOLVED, That the Chautauqua County Legislature appoints the following to the North Chautauqua Lake Sewer District Board:

Marilyn Scarpino
4410 Canterbury Dr.
Mayville, N.Y. 14757
Term Expires: 12/31/21

Replacing K. Martin Hardenburg

Signed: Wilfong, Nazzaro, Scudder, Gould

Unanimously Adopted – August 22, 2018

RES. NO. 184-18
Confirm Appointment – Portland-Pomfret-Dunkirk Sewer Districts Board of Directors

By Public Facilities Committee:
At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Portland-Pomfret-Dunkirk (PPD) Sewer District was established as a county sewer district of the County of Chautauqua by Resolution 272-77 of this Legislature; and

WHEREAS, a Board of Directors consisting of seven members was established as an administrative body for the district by Res. 345-77; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby appoints the following member to the Portland-Pomfret-Dunkirk Sewer District Board of Directors.

Richard Puro
10940 South Roberts Rd.
Dunkirk, N.Y. 14048
Term Expires: 12/31/18

Replacing Henry Walldorff

Signed: Wilfong, Nazzaro, Scudder

Unanimously Adopted – August 22, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 185-18
Confirm Appointment – Chautauqua County Youth 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 Youth Board.

Calista Lisky
401 W. Fourth St. Apt. 24
Jamestown, N.Y. 14701
Term Expires: 12/31/20

Signed: Rankin, O'Connell, Whitford, Pavlock

Unanimously Adopted – August 22, 2018

RES. NO. 186-18
Confirm Appointment – Chautauqua County Coroner

By: Chairman Paul M. Wendel, Jr.
At the Request of County Executive George M. Borrello:

WHEREAS, Local Law 8-18 amended the Chautauqua County Charter to increase the number of Coroner positions to up to six; and

WHEREAS, two of the six offices of Coroner in Chautauqua County are vacant as of August 31, 2018; and

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

RESOLVED, that the Chautauqua County Legislature does hereby confirm the appointment of the following person as a Chautauqua County Coroner:

Eugene Steele
39 Nash Avenue
Frewsburg, NY 14738

Signed: Wendel

Unanimously Adopted – August 22, 2018

RES. NO. 187-18
Authorizing Contract for 2019 Administration of Chautauqua County Self-Insurance Plan
(Workers' Compensation)

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

BE IT HEREBY RESOLVED, that the Administrative Services Committee of the Chautauqua County Legislature be authorized and empowered to contract with the County of Chautauqua for the administration of the Self-Insurance Plan to be accomplished by the Chautauqua County Department of Finance during calendar year 2019, and be it further

RESOLVED, That the consideration for this contract be in the amount of One Hundred Seventy two Thousand Twenty and No/100 Dollars (\$172,020.00) for 2019, including personnel services and office expenses, and be it further

RESOLVED, That the Chairman of the Administrative Services Committee, on behalf of the Administrative Services Committee, and the County Executive, on behalf of the County of Chautauqua, be and hereby are authorized to execute such contract.

Signed: Scudder, Davis, Starks, Himelein, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – August 22, 2018

REGULAR SESSIONS

RES. NO. 188-18

Authorizing 2019 Levy of Participant's Share of Chautauqua County Self-Insurance Plan (Workers' Compensation) Costs

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

RESOLVED, That pursuant to the Workers' Compensation Law and Chautauqua County Local Law 11-79, as amended by Local Laws 1-82, 4-84, 3-89, 7-93, 4-06, 4-07 and 5-14, the following amounts shall be apportioned in 2019 to each municipal participant, forty percent (40%) of such amounts being based on of the total value of the participant's taxable real property in the proportion that the full valuation of its taxable real property bears to the aggregate full valuation of all participants; and sixty percent (60%) of such amounts being based on the loss- percentile experience of the participant as provided in said plan and by the Workers' Compensation Law; and be it further

RESOLVED, That the amount set forth against the county be levied in the next tax levy and that the Self-Insurance Plan be hereby directed to bill all other participants for the amounts set forth against them for the year 2019.

		<u>Towns</u>	
Arkwright	\$34,957.57	Harmony	\$58,457.77
Busti	\$48,624.64	Kiantone	\$12,141.32
Carroll	\$20,365.10	Mina	\$30,453.92
Charlotte	\$16,385.35	N Harmony	\$65,904.69
Chautauqua	\$137,474.98	Poland	\$50,187.73
Cherry Creek	\$9,692.69	Pomfret	\$71,982.11
Clymer	\$10,778.49	Portland	\$50,106.96
Dunkirk	\$22,319.86	Ripley	\$22,930.62
Ellery	\$75,799.72	Sheridan	\$66,039.59
Ellicott	\$149,287.84	Sherman	\$9,475.77
Ellington	\$13,385.39	Stockton	\$14,746.29
French Creek	\$16,943.54	Villanova	\$17,778.95
Gerry	\$18,642.08	Westfield	\$36,413.31
Hanover	\$58,605.03		
Subtotal Towns			\$1,139,881.31
		<u>Villages / Cities</u>	
Bemus Point	\$10,308.79	Panama	\$2,094.85
Brocton	\$21,778.98	Sherman	\$2,545.38
Cassadaga	\$5,149.55	Silver Creek	\$33,126.08
Celoron	\$5,901.36	Sinclairville	\$2,437.90
Falconer	\$13,175.08	Westfield	\$77,150.85
Fredonia	\$200,470.84		
Lakewood	\$34,181.81	Dunkirk (City)	\$314,710.29
Mayville	\$16,306.31	Jamestown (City)	\$802,064.59
Subtotal Villages / Cities			\$1,541,402.66
Chautauqua County			\$2,318,716.03
Grand Total			\$5,000,000.00

Signed: Scudder, Davis, Starks, Himelein, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – August 22, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 189-18
Amend Chautauqua County Purchasing Policy

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Section 104-b of New York State General Municipal Law (GML), the County Legislature adopted a purchasing policy in Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, 68-14, and 161-15 and 230-16; and

WHEREAS, there have been changes to the list of individuals who have County purchasing authority, making it appropriate to update the names listed in this Purchasing Policy resolution; and

WHEREAS, the Chautauqua County community is engaged in a County-wide effort to promote economic development in, and national awareness of, Chautauqua County and its products, services and amenities, and Chautauqua County government, by using local vendors, can support such vendors' ability to maintain, enhance, and publicize their products and services, and the resultant increase in local sales tax revenue can be used in furtherance of this community effort; and

WHEREAS the County desires to clarify and otherwise update purchasing requirements, now, therefore, be it

RESOLVED, That the County Purchasing policy established by Resolution 182-92, as amended by Resolutions 268-93, 171-94, 124-09, 142-13, and 68-14, 161-15, and 230-16 is hereby amended to read as follows:

1. Purchasing Procedures.

a. State Requirements. Every purchase of goods and/or services shall be reviewed by the officer or employee that initially approves the requisition to ensure compliance with State competitive bidding / offering requirements and preferred source requirements, under the general supervision of the Purchasing Manager. Any procurement that is not subject to competitive bidding shall be accompanied by documentation of the basis for the determination that competitive bidding is not required by law. The Purchasing Manager should be consulted when an acquisition is believed to be a professional service and therefore not subject to State competitive bidding requirements. Contracts involving the receipt by County of revenues are not required to be bid; however quotes or proposals should be solicited.

b. Alternative Proposals and Quotes. Except as otherwise provided by New York State law, alternative proposals or quotations for goods and services shall be:

- i. secured by use of written requests for proposals (RFPs) and written, faxed, or e-mailed quotations from at least three vendors for procurements of services expected to exceed \$20,000 in value;
- ii. secured by written, faxed, or e-mailed quotations from at least three vendors for procurements of goods and services expected to be between \$5,000 and \$20,000; and
- iii. within the discretion of the Department Head, subject to the advice of the Purchasing Manager, for procurements of goods and services under \$5,000.

With respect to the procurements of goods and services between \$5,000 and \$35,000 (other than professional services) that are not subject to State competitive bidding requirements, the County shall purchase from a responsible and responsive local vendor when: (i) the price quoted by the local vendor does not exceed the lowest price quoted by a non-local vendor by more than ten percent (10%); and (ii) the local vendor is willing to match the lowest, non-local vendor's quoted price. For purposes of this purchasing policy, a "local vendor" shall be deemed to mean (i) in the case of a business entity vendor, a business entity which has a physical location in Chautauqua County and employs at least one full-time employee in Chautauqua County; and (ii) in the case of an individual vendor, an individual whose legal residence is Chautauqua County.

Purchases must also be compliant with any funding source requirements. See, for example, the requirements of Title 2: Grants and Agreements, of the Code of Federal Regulations (CFR), Part 200—Uniform Administrative Requirements, Cost Principles, and Audit requirements for Federal Awards ("Uniform Guidance") §§200.318-200.326 (purchases of items of \$3,000 to \$150,000 be made only after 3 quotes have been obtained).

Adequate documentation of actions taken in connection with each such method of procurement shall accompany the purchase order or the Agreement or Agreement of Services request submitted to the Purchasing Manager, and the credit card purchase information submitted to the Department of Finance. Such documentation must include a statement of the reason that three quotes were not able to be secured, when applicable.

c. Exceptions. In the event that the procurement is from: a State contract bid; General Services Administration schedule seventy, information technology; General Services Administration's "1122 Program Equipment and Supplies Catalog" and consolidated schedule contracts; involves surplus or second hand supplies, materials or equipment to be acquired from other governmental units; reflects unique or specialized goods or services that are needed by the County; is part of a program to standardize goods or equipment; arises from a bona fide emergency, accident or other unforeseen occurrence or condition that requires prompt action; involves a sole source situation; relates to the purchase of perishable food; is from a State-designated Preferred Source; or involves other situations where the above procedures for the solicitation of alternative proposals or quotations are not practical or will not be in the best interest of the County, a written explanation of why adherence to the procedures set forth in this Policy would not be practical or would not be in the best interest of the County shall accompany the

REGULAR SESSIONS

Purchase Order, Agreement or Agreement of Services request submitted to the Purchasing Manager, or the Procurement Card statement submitted to the Department of Finance, which determination shall be subject to review by the Purchasing Manager, Department of Finance, and/or the Law Department.

d. Lowest Responsible Offer. In the event a contract is awarded to other than the lowest responsible dollar offeror, the Purchase Order or Agreement / Agreement of Services request shall be accompanied by written documentation and justification specifying why such award is in the best interest of the County. When a contract is awarded utilizing "best value" procedures pursuant to Section 103 of New York State General Municipal Law, the award shall be based to the extent possible on objective and quantifiable analysis, and best value RFPs shall include a description of the manner in which the evaluation of the offers and award of the contract will be conducted, and as appropriate, identify the relative importance of price and non-price factors.

e. Miscellaneous Provisions.

- i. Whenever practical, economical, and permitted by State law, the County shall acquire goods and services from local vendors and select goods and services which provide the least possible negative impact on the environment, including products made from recycled materials. In the event of a tie bid between a local vendor and a non-local vendor, the County may award the contract to the local vendor.
- ii. The requirements of this Purchasing Policy apply to procurements in which the County expends funds or receives revenues.
- iii. Notwithstanding anything to the contrary in this Purchasing Policy, all County procurements shall be made in conformance with Federal and State requirements, including but not limited to applicable laws and Federal and State grant/funding requirements.
- iv. Department heads shall require their employees with purchasing authority to attend training sessions provided by the County Purchasing Manager and ensure that new employees receive training prior to purchasing on behalf of that department.
- v. An individual or entity that reviews a County Invitation to Bid or Request for Proposals in draft or final form prior to its issue may not (i) submit a response to the solicitation or (ii) serve as an employee, contractor or subcontractor of the individual or entity awarded the contract, for the first five (5) years of the contract period.
- vi. From the time of issuance of a County Invitation to Bid or Request for Proposals until final determination of the successful vendor, all prospective vendor questions and communications must be referred to the Purchasing Manager or his/her designee.

2. Credit Card Usage.

Procurement Credit Cards issued by the Finance Department to County departments and departmental staff, hereinafter referred to as credit cards, obtained through the Finance Department, can be used to make payments for purchases of goods not exceeding \$1,000 in value when pre-approved by the Department Head and consistent with the direction provided by the Purchasing Manager. Upon request by the Department Head to the Director of Finance, credit cards will be issued to individual employees, hereinafter referred to as Cardholders. Such cards are not re-assignable for use by other employees.

Credit card limits shall be established by the Finance Department's credit card administrator. The credit cards have a monthly limit of \$5,000, unless the Department Head requests that a Cardholder's monthly credit limit be increased to accommodate the department's purchasing requirements. There is a non-adjustable \$1,000 limit per transaction. Under no circumstances will a Cardholder authorize a transaction exceeding this \$1,000 limit without the advance written approval of the Purchasing Manager.

Procurements paid for with credit cards remain subject to all requirements of this Policy. The Cardholder to whom the credit card is assigned shall reimburse the County for costs incurred with respect to any illegal or unauthorized expenditure or improper usage of the credit card, to the extent such costs were within the Cardholder's control. The credit card is expressly not authorized to be used to pay for the procurement of services unless specifically authorized in writing by the Purchasing Manager.

Cardholders must obtain packing slips for all purchases paid for by credit card, reconcile the slips with the Cardholder's monthly credit statement, and attest by signature on the credit card statement that all goods recorded have been received in good condition and are for the use of conducting County business. Department Heads must sign the monthly credit statements of their cardholders as an indication that all purchases were authorized by the Department Head.

Credit shall be immediately requested from the vendor for any unauthorized purchases or billing errors. In the event the vendor does not cooperate in issuing a credit when due, the Cardholder should contact the Department of Finance and request that a Dispute Form be submitted to the financing agency. The County is not responsible for any unauthorized purchases or purchases made for personal use.

Cardholders must perform an initial audit and reconciliation of their monthly statements and must promptly submit their statements, along with the appropriate G/L Account number to be charged, so that the bill can be paid prior to the time of imposition of late fees or penalties, and prior to the monthly closing of the County's financial statements.

The Purchasing Manager will review the periodic audit reports submitted by the auditors and take appropriate action to enforce the credit card policy. Each Cardholder must have on file with the County Executive's Office a current Financial Disclosure Form, and must attend the Purchasing Manager's annual purchasing training.

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3. Violations.

Employees are subject to disciplinary action and/or referral to the Chautauqua County Ethics Board, for violation of this Policy. County employees aware of a violation of this Policy shall report such violation to their County supervisor and/or to the County's Purchasing Manager.

4. Individuals with Purchasing Authority.

Pursuant to the requirements of Section 104-b(2)(f) of the General Municipal Law, the following individuals are identified as having purchasing authority:

Alphabetical List of Employees with Purchasing Authority

Key-

C= Authorization to Approve Contracts/AOS

CC= Authorization to use Credit Card

PO= Authorization to Approve Purchase Orders

V= Authorization to Approve Vouchers/Grids

A:

- ✓ Abdella, Stephen (CA)—CC, C, V, PO,
- ✓ Abram, Brian (BOE)—CC, C, V, PO,
- ✓ Almeter, Ronald (DPF-AIR)—V, PO,
- ✓ Anderson, Jon H. (HHS)—CC, C, V, PO,
- ✓ Anderson, Rebecca (DPF)—CC, V, PO
- ✓ Atwell, Sharon (CA)—CC

B:

- ✓ Babcock, Misty (SCCLSD)—CC, V, PO,
- ✓ Barmore, Larry (Co. Clerk)-CC, C, V, PO,
- ✓ Barone, Nathaniel (PD)—CC, C, V, PO,
- ✓ Becker, Robert (SCCLSD)—CC
- ✓ Becker, Suzanne (HHS)—V
- ✓ Bens, Eric (HR)—C
- ✓ Berlin, Meghan (MH)—CC
- ✓ Blitz, Judith (OFA)—CC
- ✓ Blum, Rebecca (OFA)—CC, C, V, PO,
- ✓ Bohall, John (DPF- B&G)—CC
- ✓ Borrello, George (CE & CTASC)—CC, C, V, PO,
- ✓ Braley, Darryl (Sheriff)—CC, C, V, PO,
- ✓ Brant, Nance (FIN)—CC
- ✓ Brinkman, Patricia (MH)—CC, C, V, PO,
- ✓ Brooks, Dennis (FIN-INS)--CC, C, V, PO,
- ✓ Button, Todd (FIN)—C, V, PO,

C

- ✓ Caffisch, James (FIN-RPT & CCLB)—CC, C, V, PO,
- ✓ Calhoun, Robert (Co. Clerk-W&M)—C, V, PO
- ✓ Carlberg, Nikki (MH)—CC
- ✓ Carlson, Gregory (VSA)—C, V, PO,
- ✓ Carlson, Heather (MH)—CC
- ✓ Carrow, Allison (CA)—C, V, PO,
- ✓ Castro-Villeda, Javier (MH)—CC
- ✓ Catanese, Carmella (CE)—CC, V,
- ✓ Cheney, Ryan (SCCLSD)—CC
- ✓ Cheronis, Christine (OFA)—CC, C,
- ✓ Christodoulou, Katina (DPF)—CC, V, PO
- ✓ Colf, Donald (DPF-CARTS)—CC
- ✓ Corwin, Dana (OFA)—CC, V, PO
- ✓ Cresanti, Jennifer (Sheriff)—V, PO,
- ✓ Crow, Kitty (FIN & CTASC)—CC, C, V, PO,
- ✓ Cummings, Norma (EMS)—CC
- ✓ Cummings, Scott (NCLSD)—CC, C, V, PO,
- ✓ Cusimano, Leslie (MH)—CC

D:

- ✓ Damcott, Caleb (DPF-LF)—C, PO
- ✓ Dankert, Dan (DPF-CARTS)—CC
- ✓ Darling, Judy (DPF)—V
- ✓ Davis, Debra (OFA)--CC
- ✓ DeAngelo, Jonathan (ITS)—CC, C, V, PO,
- ✓ Dennison, Kathleen (FIN)—CC, C, V, PO,
- ✓ DePonceau, Lorraine (HHS)—V
- ✓ Disbro, Tobin (PROB)—V
- ✓ Douglas, Wendy (HHS)—C, V, PO,

E:

- ✓ Ellman, Jennifer (OFA)—CC
- ✓ Emley, Francine (HR)—CC, C, V, PO,

- ✓ Evans, Philip (PROB)—CC, V

F:

- ✓ Fairbanks, Dolores (OFA)—CC, V, PO
- ✓ Fardink, Pamela (DPF)—CC, V, PO
- ✓ Finnerty, Carrie (VSA)—V, PO
- ✓ Fiorella, Laura (MH)—CC
- ✓ Foster, Lori (LEG)—CC, C, V, PO,
- ✓ Foti-House, Mary Jo (OFA)—CC
- ✓ France, Tracy (FIN)—C, PO
- ✓ Freligh, Mark (SCCLSD)—CC, C, V, PO,

G:

- ✓ Geise, Mark (PED & CCLB)—C, V, PO, CC
- ✓ Gerace, Joseph (Sheriff)—CC, C, V, PO,
- ✓ Gillies, Eric (SCCLSD)—CC
- ✓ Gloss, George (SCCLSD)—CC, V, PO,
- ✓ Green, Norman (BOE)—CC, C, V, PO,
- ✓ Griffith, John (EMS)—CC, C, V, PO
- ✓ Gustafson, Kurt (CA)—C, V, PO,

H:

- ✓ Hardenberg, Ryan (NCLSD)—CC
- ✓ Harle, Shannon (FIN)—CC
- ✓ Harrell, Susan (MH)—CC
- ✓ Hawley, Sue (MH)—C, V, PO,
- ✓ Hayes, Valerie (EMS)—CC, V, PO,
- ✓ Henry, Michelle (Co. Clerk)—CC, C, V, PO,
- ✓ Henry, Nancy (FIN)—C, V, PO,
- ✓ Hlosta, Carmen (HHS)—CC
- ✓ Holder, Charles (Sheriff)—CC, C, V, PO
- ✓ Hull, Caitlin (HHS)—CC
- ✓ Humphrey, Christine (SCCLSD)—CC, V, PO
- ✓ Hutchinson, Glen (DPF-CARTS)—CC

I:

- ✓ Imfeld, Daniel (EMS)—CC

J:

- ✓ Johnson, Cindy (MH)—CC
- ✓ Johnson, Nichole (MH)—CC
- ✓ Jones, Kolnae (MH)—CC
- ✓ Joslyn, Sherryl (HHS)—CC

K:

- ✓ Kimball, Nicole (HHS)—PO
- ✓ Kneer, Rachel (DA)—CC, C, V, PO,
- ✓ Kuehn, Jill (MH)—CC

L:

- ✓ Leighton, Elizabeth (MH)—CC
- ✓ Leymeister, Cory (DPF-CARTS)—CC, V
- ✓ Lillie, Lisa (HHS)—CC, V,
- ✓ Lis, Valerie (HHS)—C, V, PO,
- ✓ Loomis, Carol (MH)—CC
- ✓ Ludemann, Sheryl (HHS)—CC
- ✓ Ludwig, Rachel (MH)—CC
- ✓ Luka-Conley, Leanna (HHS)—CC, C, V, PO,

M:

- ✓ Mackowiak, Richard (HHS-Cor)—V
- ✓ McCord, Donald (PED)—CC, C, V, PO,
- ✓ McCoy, David (PED)—V, PO
- ✓ McKane, John (NCLSD)—CC
- ✓ Melquist, Joshua (OFA)—C, V, PO,
- ✓ Merritt, Michelle (MH)—CC
- ✓ Migliore, Francis, Jr. (HHS-COR)—V
- ✓ Milliman, Kayleigh (MH)—CC
- ✓ Minor, Marshall (SCCLSD)—CC

N:

- ✓ Narraway, Thomas (PROB)—CC, C, V, PO,

O:

- ✓ O'Connor, Belinda (MH)—CC
- ✓ O'Connor, Ryan (SCCLSD)—CC
- ✓ Oehlbeck, Mathew (NCLSD)—CC
- ✓ Oquist, Cheryl (MH)—CC

P:

- ✓ Panteli, Pantelis (DPF-LF)—C, V, PO

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-
- ✓ Paoletta, Bridgette (OFA)—CC
 - ✓ Papalia, Nancy (OFA)—CC
 - ✓ Parker, Clinton (DPF-CARTS)—CC
 - ✓ Parnell, Carol (Sheriff)—CC
 - ✓ Pattison, Nicole (FIN-INS)—V
 - ✓ Pelletter, James (PD)—C, V, PO,
 - ✓ Peterson, Lou Ann (SCCLSD)—CC, V, PO,
 - ✓ Pierce, Tracy "T.J." (DPF-LF)—V
 - ✓ Popielarz, Anthony (BOE)—CC
 - ✓ Price, Dianna Sue (Sheriff)—CC
 - ✓ Propheeter, Jennifer (MH)—CC
 - ✓ Purol, Brian (NCIWD)—C, V, PO,
 - ✓
- R:
- ✓ Rankin, Richard Thomas (CA)—C, V, PO,
 - ✓ Rater, Sherri (HHS)—PO
 - ✓ Reese, Christopher(SCCLSD)—CC, V, PO,
 - ✓ Reidy, Cindy (VSA)—CC
 - ✓ Rhinehart, Kelly (DPF-LF)—CC, V, PO
 - ✓ Ribbing, Matthew (SCCLSD)—CC
 - ✓ Rice, John(PD)--C, V, PO,
 - ✓ Rissel, Jennifer (HR)—C, V, PO,
 - ✓ Rivera, Stacey (MH)—CC
 - ✓ Rodgers, Drew (DPF- B&G)—C, V, PO
 - ✓ Rothwell, Frances (OFA)—V
- S:
- ✓ Samuelson, Robert (DPF)—CC
 - ✓ Sanderson, Donnalee (BOE)—CC, C, V, PO
 - ✓ Schultze, Donald (ITS)—V, P
 - ✓ Schuyler, Christine (HHS)—CC, C, V, PO
 - ✓ Slagle, Elizabeth (SCCLSD)—PO
 - ✓ Slavey, Sherry (MH)--CC
 - ✓ Smith, Nichole (MH)—CC
 - ✓ Songer, Dianna (OFA)—V
 - ✓ Spanos, George (DPF)—CC, C, V, PO,
 - ✓ Spanos, Mary Ann(OFA)—CC, C, V, PO,
 - ✓ Spaulding, Linda (OFA)—V
 - ✓ Spell, Jaimee (MH)—CC
 - ✓ Spicer, Lance (SCCLSD)—C, V, PO,
 - ✓ Stearns, Lori (BOE)—V
 - ✓ Strandburg, Rosemarie (PED)—PO
 - ✓ Sundquist, Desiree (HHS)—V
 - ✓ Swan, Brenda (DPF-CARTS)—CC, V
 - ✓ Swanson, Kathleen (MH)—CC, C, V, PO,
 - ✓ Swanson, Patrick (DA)—CC, C, V, PO,
 - ✓ Sweeney, Kathleen (Co. Clerk)--CC, C, V, PO,
- T:
- ✓ Tampio, Katherine (LEG)—C, V, PO
 - ✓ Taylor, Brian (PD)—CC
 - ✓ Taylor, Gilbert (PROB)—V
 - ✓ Taylor, Kim (PD) —CC, C, V, PO
 - ✓ Tofil, Joanne (HHS)—V, PO,
 - ✓ Torres, Luz (BOE)—CC, C, V, PO,
 - ✓ Toy, Tami (OFA)—CC
 - ✓ Travis, Marcia (FIN)—CC, V, PO
 - ✓ Tyktor, Heather (MH)—CC
 - ✓ Tyler, Daniel (HHS)—V
- W:
- ✓ Walsh, Thomas (SCCLSD)—CC, C, V, PO,
 - ✓ Watson, David (ITS)—CC, C, V, PO
 - ✓ Werth, Bradley (SCCLSD)—CC
 - ✓ Westphal, Kenneth (HR)—CC, C, V, PO,
 - ✓ Westphal, Michele (DPF-CARTS)—CC, V, PO,
 - ✓ Widrig, Barbara (HHS)—C, V, PO
 - ✓ Wielgasz, Susan (HHS)—CC
 - ✓ Wilson, Bryan (SCCLSD)—CC, C, V, PO,
 - ✓ Wilson, Suzanne (DPF-CARTS)—CC, V
 - ✓ Wisniewski, Jessica (HR)—CC, C, V, PO,
 - ✓ Wright, Carol (MH)--CC
 - ✓ Wright, Kristen (CA)—C, V, PO
- Y:
- ✓ Yokom, Patti (HHS)—V

REGULAR SESSIONS

Z:

- ✓ Zafuto, Samuel, III (DPF)—V
- ✓ Zappie, Jill (DPF-LF)—V, PO
- ✓ Zuroski, John (DA)—CC, C, V, PO

; and it is further

RESOLVED, That the County Legislature shall annually review these purchasing policies and procedures, with input from the county employees involved in procurement; and it is further

RESOLVED, That the unintentional failure to comply with the provisions of this resolution shall not be grounds to void action taken or give rise to a cause of action against the County or any officer or employee thereof.

Signed: Scudder, Davis, Starks, Himelein, Chagnon, Gould, Nazzaro, Muldowney, Niebel

Unanimously Adopted – August 22, 2018

RES. NO. 190-18

To Accept New York State Department of Health 2018-19 Legislative Awards to Support Nurse Family Partnership

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the New York State Department of Health (NYSDOH) has awarded funds to the Chautauqua County Department of Health and Human Services to support Nurse Family Partnership program expenses, and

WHEREAS, revenue and expenditures associated with these awards are already included in the 2018 budget so no amendments are needed; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with NYSDOH for program funding for so long as the County Department of Health and Human Services continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate County's receipt of such funds.

Signed: Rankin, O'Connell, Whitford, Pavlock, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – August 22, 2018

RES. NO. 191-18

Authorizing Public Hearing Regarding a Potential Application for 2018 Community Development Block Grant Funding through the New York State Homes and Community Renewal Housing Trust Fund Corporation's Office of Community Renewal and the Uses of Said Funding

By Human Services Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Office of Community Renewal is expected to release a Notice of Funding Availability (NOFA) for the 2018 Community Development Block Grant (CDBG) program, a federally funded program authorized by Title I of the Housing and Community Development Act of 1974, under its Housing Resources NOFA during fall 2018; and

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

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

WHEREAS, the County seeks public input on community development, housing needs, and proposed activities under the CDBG program, especially input from low- and moderate- income residents; therefore be it

RESOLVED, That the Chautauqua County Legislature shall hold a public hearing for the aforementioned purposes during the regular meeting of the County Legislature on September 26, 2018, at 6:35 p.m. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

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

Signed: Rankin, O'Connell, Whitford, Pavlock

JOURNAL OF PROCEEDINGS

Unanimously Adopted – August 22, 2018

RES. NO. 192-18
Standard Workday and Reporting Resolution

By Administrative Services Committee:
At the Request of Chairman Paul M. Wendel:

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

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy - mm/dd/yy)	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
ELECTED OFFICIALS								
Legislator	6	John Davis	XXXX	XXXXXXXXXX		01/01/18-12/31/19	3.73	
Legislator	6	Kevin Muldowney	XXXX	XXXXXXXXXX		01/01/18-12/31/19	4.50	
Legislator	6	Charles Nazzaro	XXXX	XXXXXXXXXX		01/01/18-12/31/19	5.00	
Legislator	6	Mark Odell	XXXX	XXXXXXXXXX		01/01/18-12/31/19	6.20	
Legislator	6	Daniel Pavlock	XXXX	XXXXXXXXXX		09/27/17-12/31/19	8.98	
Legislator	6	Elisabeth Rankin	XXXX	XXXXXXXXXX		01/01/18-12/31/19	4.28	
Legislator	6	Robert Scudder	XXXX	XXXXXXXXXX		01/01/18-12/31/19	6.90	
Legislator	6	Lisa Vanstrom	XXXX	XXXXXXXXXX		01/01/18-12/31/19	4.80	
APPOINTED OFFICIALS								
Deputy County Fire Coordinator	6	Daniel Aldrich	XXXX	XXXXXXXXXX		01/01/18 – 12/31/21	5.62	
Deputy County Fire Coordinator	6	Scott Bailey	XXXX	XXXXXXXXXX		01/05/17 – 12/31/21	6.07	
Assistant District Attorney	7	Erik Bentley	XXXX	XXXXXXXXXX		01/01/17 – 12/31/20	24.65	
Deputy County Fire Coordinator	6	Scott Cummings	XXXX	XXXXXXXXXX		01/01/18 – 12/31/21	5.56	

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Assistant Public Defender	7	James Dimmer	XXXX	XXXXXXXX		10/06/17 – 12/31/19	20.24	
Assistant District Attorney	7	Gregory Drab	XXXX	XXXXXXXX		01/01/17 – 12/31/20	18.90	

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy – mm/dd/yy)	Record of Activities Result	Not Submitted (Check only if official did not submit their Record of Activities)
APPOINTED OFFICIALS								
Second Assistant District Attorney	7	Brendan Green	XXXX	XXXXXXXX		08/03/17 – 12/31/20	20.27	
First Assistant District Attorney	7	Derek Gregory	XXXX	XXXXXXXX		01/01/17 – 12/31/20	26.20	
Assistant Public Defender	7	Robert Lee	XXXX	XXXXXXXX		09/07/17 – 12/31/19	23.66	
First Assistant District Attorney	7	Andrew Molitor	XXXX	XXXXXXXX		01/01/17 – 12/31/20	24.50	
First Assistant Public Defender	7	James Pelletter	XXXX	XXXXXXXX		01/01/18 – 12/31/19	25.35	
Assistant Public Defender	7	Joseph Price	XXXX	XXXXXXXX		01/01/18 – 12/31/19	22.96	
Second Assistant District Attorney	7	Lynn Schaffer	XXXX	XXXXXXXX		01/01/17 – 12/31/20	21.73	
Assistant District Attorney	7	Josh Siliano	XXXX	XXXXXXXX		02/06/17 – 12/31/20	21.72	
Deputy County Fire Coordinator	6	Richard Westpfahl	XXXX	XXXXXXXX		12/05/16 – 12/31/21	8.88	
Assistant Public Defender	7	Kristy Woodfield	XXXX	XXXXXXXX		07/10/17 – 12/31/19	19.04	
Assistant Public Defender	7	Kristy Woodfield	XXXX	XXXXXXXX		01/01/18 – 12/31/19	22.84	
First Assistant District Attorney	7	John Zuroski	XXXX	XXXXXXXX		01/01/17 – 12/31/20	21.90	

Signed: Scudder, Davis, Starks, Himelein

Unanimously Adopted – August 22, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 193-18

Authorize Lease of Cage and Office Space at 201-209 East Fourth Street, Jamestown for the Chautauqua County Sheriff

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County is in need of office and electronics cage space for a County-operated 911 call center backup center; and

WHEREAS, office and cage space located at 201-209 East Fourth Street, Jamestown is available and suitable for use by the County Sheriff's Office; therefore be it

RESOLVED, That the County Executive is authorized and hereby empowered to execute a lease agreement with Windstream New York, Inc. for such office and cage space on substantially the following terms and conditions:

1. Premises: Approximately 36 square feet of cage space and approximately 1,620 square feet of office space at 201-209 East Fourth Street, Jamestown, N.Y.
2. Term: September 1, 2018 to February 29, 2024.
3. Rent:

		Monthly Rent	Annual Payment	Total for Lease Period
Months 1-24:	\$	500.00	\$ 6,000.00	\$ 12,000.00
Months 25-48:	\$	600.00	\$ 7,200.00	\$ 14,400.00
Months 49-66:	\$	650.00	\$ 7,800.00	\$ 11,700.00
		Total Over Term:		\$ 38,100.00

4. Other: As negotiated by the County Executive.

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

Unanimously Adopted – August 22, 2018

RES. NO. 194-18

Amend 2018 Budget for Office of the Sheriff Accounts

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; and

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

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE REVENUE ACCOUNT:

A.3189.MEDI.R158.9001	Departmental Income--Other Public Safety Income:	
	Medi-Vac	\$ 5,000
A.3020.PSCN.R438.9000	Federal Aid--Other Public Safety Aid	\$ 647,798
	Total	\$ 652,798

INCREASE APPROPRIATION ACCOUNTS:

A.3189.MEDI.4	Contractual—Other Law Enforcement: Medi-Vac	\$ 5,000
A.3020.PSCN.3	Equipment—Pub Sfty Communications Network	\$ 647,798
	Total	\$ 652,798

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

Unanimously Adopted – August 22, 2018

REGULAR SESSIONS

RES. NO. 195-18

Authorize Agreement with Bemus Point 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 Bemus Point Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of September 1, 2018 through August 31, 2019; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Bemus Point Central School District to provide a certified School Resource Officer for the 2018-2019 school year at an annual cost of \$75,807.13; and

WHEREAS, the County will not be required to incur any additional expenditures to fund this position; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Bemus Point Central School District for the purpose of providing a School Resource Officer for the 2018-2019 school term as set forth above with revenues to be credited to account A.3110.R226.0000.

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

Unanimously Adopted – August 22, 2018

RES. NO. 196-18

Authorize Acceptance of Aid to Prosecution Funds 2018-2019

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, 2018 through September 30, 2019; and

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

WHEREAS, the 2018 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") contract from the New York State Division of Criminal Justice Services (DCJS) in the amount of \$54,460.00 for the term of October 1, 2018 to September 30, 2019 and any amendments thereto; and be it further

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

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

Unanimously Adopted – August 22, 2018

RES. NO. 197-18

Authorizing the Sale of Curtis Street Residential Property Owned by JCC

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Jamestown Community College (JCC) currently owns 50 acres of property located on the Jamestown campus at 2835 Curtis Street Extension (the "Property") in the Town of Ellicott, and designated on the Chautauqua County Tax Map as Tax Parcel No. 370.00-1-19; and

WHEREAS, the Property includes a small pole barn and single family home of approximately 5,131 square feet which was utilized by JCC as office space but is not practical for College use now or in the future; and

WHEREAS, the JCC Board of Trustees and JCC's three municipal sponsors, including the County of Chautauqua, previously authorized the sale of a portion of the Property consisting of the pole barn, single family home, and 8 acres of land adjacent to said buildings on the Property early in 2018, but no viable offers were received during the Spring of 2018; and

WHEREAS, as recommended by JCC's realtor, the portion of the Property to be sold was increased and an offer has been received to acquire the pole barn, single family home, and 37.5 acres of land adjacent to said buildings on the Property with JCC retaining approximately 12.5 acres of land abutting the 27 acre RTPI property also owned by JCC; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby finds that the pole barn, single family residence, and 37.5 acres of land adjacent to said buildings on the Property are no longer useful or required for community college purposes by JCC; and be it further

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RESOLVED, That the Chautauqua County Legislature authorizes JCC to effectuate the divestment of the property at a sales price of not less than \$285,000.00, not including closing and other related costs, with the foregoing dependent on SUNY Board of Trustee approval.

Signed: Wilfong, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – August 22, 2018

RES. NO. 198-18

Authorizing the Sale of Property Adjacent To County Road 18 In North Harmony, New York

By Public Facilities, Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, in the year 2000, the County purchased a parcel of property adjacent to County Route 18, 6443-6445 Stedman-Sherman Road in the Town of North Harmony (the Property) from Kevin E. McChesney, part of which property is presently being used for highway right-of-way purposes, and part of which (the Remainder), is no longer necessary for highway purposes; and

WHEREAS, as shown on a map supplied by the County's Department of Public Facilities (DPF) and filed with the County Legislature, DPF recommends that the County retain that portion of the Property which is required to maintain a roadway width of four (4) rods (approximately sixty-six (66) feet), and that the Remainder be sold, since maintenance of the Remainder is a burden to DPF and it would be beneficial to restore such property to the County tax rolls; and

WHEREAS, pursuant to State Highway Law §125 the County may, where it has acquired land as a right-of-way for a County road, sell to the owner of property adjoining the same, so much thereof as may be unnecessary for such highway purposes, provided the strip of land retained for such purposes is not less than sixty (60) feet in width and provided such sale will give the adjoining owner of land a frontage immediately in front of their premises on the new highway right-of-way when completed; and

WHEREAS, Kevin E. McChesney remains the owner of the adjacent parcel, and sale of the Remainder to him will give him a frontage immediately in front of his premises on the new highway right-of-way; now therefore be it

RESOLVED, That pursuant to New York State County Law §215 and Chautauqua County Local Law 7-75, the Chautauqua County Legislature hereby finds that due to a lack of viable use for the Remainder, and the burden of maintaining the property, it is not in the best interest of the County to own and maintain this property, and the property is surplus and no longer necessary for public use; and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the Chautauqua County Legislature hereby approves the conveyance of the Remainder to Kevin E. McChesney for a purchase price of One Dollar (\$1.00); and be it further

RESOLVED, That the County Executive is authorized to execute all contracts, deeds, bills of sale, and all other documents necessary to accomplish the sale of the Remainder.

Signed: Wilfong, Nazzaro, Scudder, Gould, Starks, Himelein, Davis, Chagnon, Muldowney, Niebel

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - August 22, 2018

RES. NO. 199-18

Authorize Transfer of Tax Foreclosure Property in the Town of Ellicott

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, a .60 acre tax delinquent property in the Town of Ellicott designated on the Chautauqua County Tax Map as Section 369.18, Block 4, Lot 43, and located at 173 Jackson Avenue (the "Land"), has been in a state of neglect for a substantial period of time; and

WHEREAS, the County wishes to convey the Land to the Chautauqua Region Economic Development Corporation ("CREDC"), or an affiliated limited liability corporation to be created by CREDC ("LLC"), in order to facilitate the demolition of the structure and potential redevelopment of the Land; now therefore be it

RESOLVED, That the County Executive is authorized to transfer the Land to CREDC or its affiliated LLC, of 201 West Third Street, #115, Jamestown, NY 14701, and execute all documents necessary to complete the conveyance on the following terms and conditions:

1. Purchase Price. \$1.00
2. Remediation and Redevelopment. CREDC or its affiliated LLC shall endeavor to remediate the property for redevelopment, including removal of any demolition debris and other junk on the property.
3. Proceeds of Sale. In the event that there are proceeds of sale that exceed the costs incurred to remediate the Land, CREDC or its affiliated LLC shall pay the County the proceeds up to the amount of the delinquent taxes, interest, and penalties on the Land.
4. Other. As negotiated by the County Executive.

REGULAR SESSIONS

Signed: Scudder, Davis, Starks, Himelein, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - August 22, 2018

RES. NO. 200-18
Quit Claim Deeds

By Administrative Services and Audit and Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owing
PA-51-2018	City of Dunkirk	060300-79.20-8-75	Fransisco Ramirez	\$17,500.00	\$ 7,898.57
PA-46-2017	City of Jamestown	060800-370.19-11-64	Robert & Catherine Hallberg	\$ 50.00	\$ 6,928.79
PA-146-2018	City of Jamestown	060800-387.25-2-8	Brian C Hardy	\$ 5,000.00	\$ 2,699.73
PA-232-2018	Ellicott/Celoron	063801-369.18-2-2	Christopher & Marla Cobb	\$15,520.00	\$ 2,267.52
PA-233-2018	Ellicott/Celoron	063801-369.18-2-3	Christopher & Marla Cobb	\$ 480.00	\$ 322.03
PA-206-2017	Ellicott	063889-386.10-2-27	Shelly A White-Germonto	\$ 200.00	\$ 4,983.28
PA-312-2018	Portland	066089-194.00-1-40	Lake Erie Vista LLC	\$27,000.00	\$11,005.33
PA-338-2018	Stockton	066889-265.00-3-17	Eric W Anderson	\$ 6,000.00	\$ 1,094.06
			Total	\$ 71,750.00	\$37,199.31

Signed: Scudder, Davis, Starks, Himelein, Chagnon, Nazzaro, Muldowney, Niebel, Gould

MOVED by Legislator Bankoski, SECONDED by Legislator Chagnon to amend by the following:

Amend the resolution to add a new parcel with Offer Number PA-11-2017 and change the "Offer Amount" and "Taxes Owing" Totals:

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owing
PA-11-2017	City Dunkirk	79.14-9-6	Brad Bennett	\$3,500.00	\$2,370.85
			Total	\$75,250.00	\$39,570.16

Unanimously Adopted as amended – R/C Vote: 18 Yes; 1 Absent - August 22, 2018

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (6:50 p.m.)

JOURNAL OF PROCEEDINGS

Special Meeting
Chautauqua County Legislature
Wednesday, September 12, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present. (Absent: Davis, Gould, Himelein, Nazzaro, O'Connell, Pavlock, Rankin, Scudder)

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

Chairman Wendel: At this time I would like to thank everybody for making this meeting on such short notice. I know some of you even traveled great distances to make it so thank you very much.

1st Privilege of the Floor

Legislator Bankoski: I would just like to say that Bob Scudder who's a great supporter of the airport program here in the County is absent this evening.

RES. NO. 201-18

Acceptance of Funds from the FAA and NYSDOT for the "Acquired Snow Removal Equipment Project" at the Chautauqua County/Jamestown Airport

At the Request of County Executive George M. Borrello and Chairman Paul M. Wendel, Jr.:

WHEREAS, Chautauqua County submitted to the Federal Aviation Administration ("FAA") a project application and received a grant from the FAA to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: Acquire Snow Removal Equipment, FAA AIP Project No. 3-36-0048-049-2018 ("Project"); and

WHEREAS, the FAA has approved the Project for the Chautauqua County/Jamestown Airport consisting of the Acquire Snow Removal Equipment, which is more fully described in the Project agreement; and

WHEREAS, the New York State Department of Transportation ("NYSDOT") is offering a matching grant to the federal grant for 50% of the non-federal share of the eligible costs; and

WHEREAS, pursuant to Resolution 306-17, Chautauqua County approved the Project as part of the five-year Airport Capital Improvement Plan ("ACIP") and approved submission of an application for FAA and NYSDOT grant funds for the Acquire Snow Removal Equipment Project under the Airport Improvement Program ("AIP"), and funding shares for the Project are as follows:

Table with 2 columns: Fund Source, Amount. Rows: Federal (\$ 55,800), State (\$ 3,100), Local (\$ 3,100), Total Project Costs (\$ 62,000)

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Airport; therefore be it

RESOLVED, That Chautauqua County enter into agreements with the FAA and NYSDOT for financial assistance for the Project described above at the Chautauqua County/Jamestown Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the FAA and NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the FAA and the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That the Reserve for Capital is adjusted as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$ 3,100

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.-----9 Interfund Transfers—Transfer to Capital \$ 3,100

REGULAR SESSIONS

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25007.4	Contractual—Snow Removal Equipment-JHW	\$ 62,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25007.R503.1000	Interfund Transfer – Interfund Transfer	\$ 3,100
H.5610.25007.R359.7001	NYS Aid – Airport Capital Grants	\$ 3,100
H.5610.25007.R459.2000	Federal Aid – Airport Federal Capital Grants	\$ <u>55,800</u>
	Total	\$ 62,000

Signed: Wendel

Unanimously Adopted –R/C Vote: 11 Yes; 8 Absent - September 12, 2018

2nd Privilege of the Floor

Chairman Wendel: Anyone to speak to the second privilege of the floor?

County Executive Borrello: First of all, thank you very much for showing up here on such short notice to help us with this. We appreciate it very much. The real reason I am up here is that, I would like to invite you all this weekend to the Festival of Grapes in Silver Creek where myself and Legislator Bankoski will be competing against each other to see who can stomp grapes faster. Look at the size of his feet, I think that he has an advantage but Friday night at 5:30 p.m., we will be grape stomping along with a lot of other folks at the opening ceremonies of the Festival of Grapes in Silver Creek so please come and join us.

Chairman Wendel: Anyone else to speak to the second privilege of the floor? Any announcements? If not, a motion to adjourn.

MOVED by Legislator Bankoski, SECONDED by Legislator Starks and duly carried the meeting was adjourned. (6:38)

JOURNAL OF PROCEEDINGS

Regular Meeting
Chautauqua County Legislature
Wednesday, September 26, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present.

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

MOVED by Legislator Bankoski, SECONDED by Legislator Wilfong, the minutes were approved. (8/22/18 (9/12/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 8/22/18 & 9/12/18

6:35 P.M.

PUBLIC HEARING

Potential Application for 2018 Community Development Block
Grant Funding Through the NYS Homes & Community Renewal Housing
Trust Fund Corporation's Office of Community Renewal and the
Uses of Said Funding

Chairman Wendel: I'll now open up the public hearing. (6:35 p.m.) Is there anyone here to speak to the public hearing. Is there anyone here to speak? Seeing no one, I'll close the public hearing. 6:36 p.m.)

PRESENTATION:

2019 CHAUTAUQUA COUNTY
TENTATIVE BUDGET
by
COUNTY EXECUTIVE
GEORGE M. BORRELLO

County Executive Borrello: Thank you Mr. Chairman and thank you to members of the Legislature. I'm really excited to be here to present my very first tentative budget. First I would like to start off by thanking our budget team. Finance Director, Kitty Crow, Budget Director, Kathleen Dennison, Principal Account Clerk, Janelle Hansen and the rest of the team. Thank you very much for all your hard work. You did a fantastic job in preparing this tentative budget.

You know, after 8 years as a County Legislator, I certainly was very familiar and involved with the budget process. But being the County Executive creates a whole new set of challenges and we're going to start off with some of the challenges that we had here in this budget.

First of all, this Legislature any my predecessor have done a great job of holding the line on taxes but due to many circumstances that are out of our control, we've had to use the Undesignated Fund Balance, our savings account, to balance the budget. The 2018 adopted budget, this year's budget, used \$6.4 million dollars from the Undesignated Fund Balance. That left about \$19 million dollars in that fund balance or about an eight and a third percent. A comfortable and responsible reserve should fall somewhere between five and fifteen percent of revenues. Now, early this year we had to make an accounting adjustment that moved \$4.2 million dollars out of the Undesignated Fund Balance and over to the Capital Reserve, leaving just about six and a half percent in the Undesignated Fund Balance. So, starting to get a little close in that comfort zone of where we want to be for our fund balance. So we started the budget year also this year with about a \$4 million dollar imbalance so a pretty steep hill to climb in the beginning. That is a significant hurdle as well as others.

So, our 2019 goals, to start our budget process was, I asked to deliver a structurally balanced budget that covers recurring expenses with recurring revenue. No property tax rate increase and no reduction in the delivery of services. So, we start off with a business principal. The bushel full of pennies theory and that is, a penny by itself isn't worth much. Most people wouldn't even pick up a penny on the sidewalk if they saw it but if you had a bushel full of pennies, that adds up to some real money. So we challenged our department heads to come with their pennies for the bushel. We have a budget of over \$250 million dollars with thousands of line items. So to bring up a few savings, minor savings in all of these lines items, can add up to a significant savings and that's essentially the bushel full of pennies theory. So we challenged our departments to bring those small savings that would add up to help us close that budget gap. We gave our departments targets to reach so everybody had a target to reach that would help us deliver a balanced budget. I'm proud to say that almost every department met or exceeded its target. Some changes were small, like for example, Human Resources came up with a better way to print our badges that will reduce the frequent reprinting costs and thank you Jessica Wisniewski and her team for that innovative change. Some change were larger as I will explain later. We are making major changes to the landfill methane energy plant which will have larger revenue for the County. Thank you Pantelis Panteli for your involvement in this and for all you've done to make this work and also would like to thank Legislators Chuck Nazzaro, Pierre Chagnon, and John Hemmer for their involvement in the negotiations which I will talk about later. Overall, I would like to thank everybody that was involved in the stepping up to help us deliver this budget.

So, here are some highlights from our budget. First of all, as I mentioned earlier, we discovered that we had to reallocate about \$4 million dollars from the Undesignated Fund Balance over to the Capital Reserve. While it certainly impacted the fund balance, it also increased our Reserve for Capital projects. I consider this an opportunity to beef up our capital projects and invest in infrastructure more than we ever

had in years past. So as a result, we're taking that money and we're going to put \$3.4 million dollars of additional investment into DPF equipment and road and bridge improvements. Six hundred thousand dollars of investment into County facilities and \$400,000 with additional investment in other vehicles and equipment

The methane plant. We started generating electricity at the landfill using methane gas and converting it to electricity quite a few years ago. However, with the declining electricity prices, the plant has begun to lose money. In 2017, we had a net operating loss of about \$139,000 and this year the plant will lose about \$200,000. So the idea would be to actually shut down our methane plant and instead sell the methane gas to a company that will scrub it and turn it into renewable natural gas into the pipeline. We bid out this RNG, (renewable natural gas) business to three different companies and as I mentioned with some help of some Legislators and with Pantelis leading the way, we've gotten a really good deal and a good contract and that will generate more than a million dollars in net profit, guaranteed, without any infrastructure costs, without any maintenance costs, and without subsequent fluctuation of energy prices. So this is a great way for us to build on our fund balance and as well have to balance our future budgets as well.

The Fly Car system. As we all know the Fly Car system has faced some challenges budget wise but overall it's been a fantastic program that has saved lives throughout the County. Something I said since my first year as a County Legislator was, what do people expect for their tax dollars? We provide lots of services of all different kinds but what do people really expect from their tax dollars? They expect that the roads and bridges will be maintained, that the streets will be plowed and when they dial 911, they want somebody to show up. That's basically what people want and that 24/7 Fly Car system which is something that we're proposing, will allow us to provide lifesaving help to folks that need it all over the County while closing our budget. Currently the County Fly Car structure has been an important gap in the EMS services throughout the County, however, some areas still see up to a 40 minute response time for 911 EMS calls. Any ambulance, just one ambulance, that will allow us because of the State's rules, to be able to bill for Medicaid services and also provide a 24/7 Fly Car service by just having one ambulance in service for us. We can reduce those wait times and it will also allow us to bill for Medicaid transports. Also, a program that has been brought to us by Christine Schuyler and John and Christine have worked to collaborate on this, is the idea of having essentially our EMT's do wellness visit. We have the frequent flyers, the people that 911 often and in many cases for something that is not an emergency. We would be paid to actually go and perform wellness visits at those folks homes to number one; reduce the chance that they will be calling 911 again and reducing the strain on our EMT's and our Emergency Services, but also be compensated for that. So, I would like to thank John and Christine for working together to develop that program which actually helps us close the gap now on our Fly Car system.

Electronic payments. I have to say coming from the private sector, I was surprised that very few of our vendors here in Chautauqua County are paid through electronic payments. Anybody who owns a business or been in business knows that typically now you send things electronically. But we write paper checks and we write a lot of paper checks which is labor intensive and costly. What we are doing now is we're going to make it mandatory for vendors to have to accept electronic payments and which was done to me when I was in business, we would like them to take our company credit card. Because we take that credit card and we get rebate from the credit card company which will further enhance our revenues. We're going to make it mandatory to save money and enhance revenues by going now to all electronic payments to our vendors. We buy millions and millions of dollars of goods and services every year and instituting this will save a lot of time and make a lot of money or have additional savings for us.

Our Health Insurance program. Our employee health insurance costs account for approximately 8% of the total County budget. We're looking for significant savings by aggressively re-looking and re-bidding our health insurance and insurance broker business. This is something that we have done right at the beginning here. It's been done over the years but I think that we have taken a really hard focus look at it and it will be providing a significant savings in this 2019 budget.

Our purchasing policy. We're going to make some changes to improve our purchasing policy and improve the results that we get. Right now we're going to be requiring that products and services be bid out more frequently to get better pricing and reduce the contract extensions to ensure that we're getting the best possible deal. Right now, across my desk, I get a lot of extensions for things that go back years from the first time something was bid. We're putting an end to that. We want people to rebid these things. We want to assure that we are getting the best price and there are – vendors aren't being complacent. We want to make sure they are on their toes and giving us the best possible price. Also, I challenged our Purchasing Department and our legal team to look for ways to apply common sense to the archaic State bid process which often has us paying too much for products that are on the State bid which we are required to do by State law. This process will also include supporting our local vendors better. Right now, we're going to be doing something, we'll be separating items on the bids to allow local vendors to compete for business that is often lumped in with proprietary products which often locks out local supplies. We have instituted a policy of allowing the local bidder to match the lowest bid provided that their initial bid is within 10% of the lowest responsible bid. Ladies and gentleman, County government should first support the local businesses that support County government operations with their tax dollars.

O.k., so we'll give you an overview of the budget. This 2019 budget totals over \$254 million dollars. While holding spending increases to just over \$200,000. That is less than one tenth of one percent of an increase in our expenditures.

The fund balance. You will see on this graph, the 2019 budget, if adopted, will use no unassigned general fund balance for the first time in at least 10 years if adopted. As you can see in this chart, assuming that there is no increase or use of the fund balance going forward, we will remain barely above the minimum recommended amount per the Financial Policy adopted by this Legislature and well below the maximum amount. (The darker blue line above.) As our Bond Council told us, having a structural balanced budget, is good for the County's bond rating which means we will pay less interest when we borrow money for projects. This is responsible budgeting which is what they are looking for when we get our bond rating. Also means that we can maintain a healthy fund balance for those unexpected circumstances and emergencies and ultimately a (*inaudible*) budget signifies that we're able to live within our means without a (*inaudible*) tax increase lurking year after year.

So, the tax rates. In addition to achieving a structural balanced budget with no use of Undesignated Reserves, this tentative budget will hold the line on sales and property tax rate with no increases. Together with the fact that we have not used any one shot revenue items in this budget, this is a major achievement we have not seen in many years. There are a lot of positive trends right now in Chautauqua County. These positive developments in our County budget would not be possible without the significant economic growth we have seen Countywide along with important moves that have been made in the past several years by this Legislature and my predecessors. Sales tax revenues are up, mortgage tax revenues are up, occupancy tax revenues and property values are all up and seeing strong growth. So a structurally balanced budget, my tentative 2019 budget is structurally balanced where the recurring revenue cover the recurring operating expenses. There is no use of the Undesignated Fund Balance. On top of the normal investment infrastructure, there is a \$4.4 million dollar, one year, additional investment in our County infrastructure. This budget will have many positive impacts on County finances by following our County Legislature adopted Financial Management Policy of having recurring debt covered by the recurring revenue.

We have an opportunity here to pass a historic County budget which is structurally balanced, uses no restrictive reserves, holds the line on taxes, and invests in County infrastructure in an unprecedented level. Four items, I believe, have never been proposed and achieved together within the same budget year. So now, I'm proud to deliver this budget to the Legislature. I look forward to working with you all.

JOURNAL OF PROCEEDINGS

Everybody stepped up and we now hand this over to the Legislature and look forward to working with you all to pass what could potentially be a historic County budget. Thank you very much. *(Applause)*

COMMUNICATIONS:

1. Proof of Publication – CDBG Public Hearing Notice
2. Email – To: Clerk Tampio; From: Dept. of Public Service – Re: Public Statement Hearing to be held on 9/17/18 – Cassadaga Wind's Petition
3. Letter – D.A. Swanson – Re: Order of Powers & Duties in the Event of Vacancy
4. Letter – D.A. Swanson – Re: Goal Behind Funding Increase for 2019 Budget
5. Letter – CHRIC – Re: Celebrating 40th Anniversary
6. Quarterly Report - SBDC(Small Business Development Center) 4/1/18 – 6/30/18
7. Letter – Depart. of Public Service – Re: Cassadaga Wind Public Statement Hearing

RES. NO. 202-18

Authorize Agreement with New York State DOT for Performance of Federal-Aid Project PIN 5762.45

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, a project for Bridge Painting, BINS 3324890, 3324180 and 2212630 in the Towns of Harmony, Clymer, and Mina (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program, now estimated to be \$272,000, to be borne at the amount of \$217,600 Federal funds and \$54,400 Non-Federal funds; and

WHEREAS, the County of Chautauqua desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Project, PIN 5762.45; and

WHEREAS; the local share is currently calculated to be \$54,400 and can be covered with existing funding in account D.5112.390, and with \$40,800 of New York State Marchiselli funding anticipated to be available in 2019, the local cost will be reduced to \$13,600; now therefore be it

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

RESOLVED, That the County Legislature of the County of Chautauqua hereby authorizes the County of Chautauqua to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Project or portions thereof; and it is further

RESOLVED, That in the event the full federal and non-federal share costs of the Project exceeds the amount appropriated above, the County of Chautauqua shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, That the County Executive of the County of Chautauqua be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Chautauqua with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal-Aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and it is further

RESOLVED, That a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, That this Resolution shall take effect immediately and that the Director of Finance is directed to make the following changes to the Capital Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

D.5112.390.4 Contractual – Capital Improvements, County Bridge Program \$272,000

INCREASE CAPITAL REVENUE ACCOUNTS:

D.5112.390.R458.9002	Federal Aid – Surface Transp Program	\$217,600
D.5112.390.R358.9003	NY State Aid—Marchiselli Funds	\$ 40,800
D.5112.390.R503.1000	Interfund Transfers—Interfund Transfer	<u>\$ 13,600</u>
	Total	\$272,000

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

Unanimously Adopted – September 26, 2018

REGULAR SESSIONS

RES. NO. 203-18

Amend Rules and Regulations of the Chautauqua County Legislature

By Administrative Services Committee:
At the Request of Legislators Chagnon and Whitford:

WHEREAS, the County Legislature's current rules and regulations were enacted and amended pursuant to Resolutions 142-02, 243-02, 74-03, 160-03, 216-03, 55-05, 86-06, 109-06, 224-07, 82-09 and 88-10; and

WHEREAS, due to the passage of eight (8) years since the most recent changes to the rules and regulations, the Chairman of the Legislature requested Legislators Pierre Chagnon and Paul Whitford to review and recommend any appropriate changes for consideration by the County Legislature; therefore be it

RESOLVED, That the County Legislature's Rules and Regulations be amended with ~~strikeout~~ and inserted underlined text as attached.

RULES AND REGULATIONS
CHAUTAUQUA COUNTY LEGISLATURE

SECTION I — LEGISLATURE

Rule 1. Meetings

A. The Legislature shall annually hold its organizational meeting on the first business day of January at 4:00 P.M. in the Chautauqua County Legislative Chambers, Gerace Office Building, Mayville, New York. At this meeting the Clerk shall preside and the first order of business shall be the election of a Chairman of the Legislature for the ensuing year. The election is conducted by nominations from the floor. A roll call vote shall be taken by each Legislator stating the name of the nominee he or she wishes. The Legislature shall then proceed with the appointment of a Clerk and Secretary to the Legislature. At the first meeting in January, the Legislature may by resolution, delegate the authority to the Chairman to approve certain correction of errors of \$2,500. or less to the tax levy pursuant to Section 554 & 556 of the New York State Real Property Tax Law.

B. Regular meetings of the Legislature shall be held at 6:30 p.m. on the fourth Wednesday of each month with the following exceptions:

1. The regularly scheduled October meeting of the Legislature shall convene as set forth by Local Law for the purpose of conducting a public hearing(s) on the County Executive's and other elected officials' tentative budgets and for conducting regular business.
2. The November and December meetings of the Legislature shall be held at the call of the Chairman.

C. All meetings of the Legislature shall be held at the Gerace Office Building, Mayville, New York except that a regularly scheduled meeting may be held at any suitable site within the County, providing a resolution designating such site and meeting date shall be presented by the Chairman, without regard to any rules herein relating to prefiling and such site is approved by at least three quarters of the total membership of the Legislature.

D. Special meetings shall be held at the call of the Clerk upon direction of the Chairman or upon written request signed by a majority of the Legislature. A notice in writing stating time, place and purpose of the special meeting shall be served personally or by email or mail to each Legislator by the Clerk at least forty-eight hours before the date fixed for holding the meeting or a member may waive the serving of a notice for such meeting in writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting.

E. The Chairman of the Legislature may cancel and reschedule a regular meeting of the Legislature in the event of inclement weather or other unusual circumstances that make the original meeting date impractical.

F. In the case of the nonappearance of the Chairman within fifteen minutes of the appointed hour, the Clerk shall call the Legislature to Order and a Chairman pro tem shall be elected to preside for such day only, or during the absence of the Chairman. The Chairman pro tem shall have and exercise the powers and duties of the Chairman at the meeting over which he or she is called to preside. The Chairman shall have the right to name any member to perform duties of the chair who shall at such times be vested with the powers of Chairman, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.

G. At any public hearing held by the Legislature and at any other meeting of the Legislature, when requested by the Chairman, the Sheriff of Chautauqua County shall delegate one of his or her uniformed deputies to the legislative meeting to act as a sergeant-at-arms.

Rule 2. Quorum

A majority of the whole number of the Legislators shall constitute a quorum for the transaction of business, but a lesser number may adjourn.

Rule 3. Order of Business

A. The order of business at each session, except at such times that may be set apart for the consideration of special orders of the day, shall be as follows:

1. Roll call
2. Prayer

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3. Pledge of Allegiance
 4. Approval of Minutes
 5. Privilege of the floor for members of the public other than members of the Legislature (This privilege shall extend to any person appearing for himself in which case each individual appearing shall be limited to three minutes; and to persons representing any group in which case there shall be allowed only one spokesman for the group, who shall be limited to a maximum time of five minutes. Any person requesting this privilege shall be limited to subject matter relating to local laws, resolutions, and motions appearing on the agenda.)
 6. Petitions, Communications, and Commendations
 7. Local Laws, Resolutions, and Motions
 8. Announcements
 9. Privilege of the floor for members of the Legislature and the public to speak on any subject
- B. The privilege of the floor may be extended to any person out of the order of business set forth in Subsection A unless a Legislator objects in which case the floor shall be extended only upon a majority vote of the Legislature of the whole.
- C. The Chairman shall have the duty of calling such time limits, and the Chairman may determine, at his or her discretion, whether individuals are speaking for themselves or are representing groups. The Chairman shall maintain good order, and may require any speaker to cease speaking if remarks are made in bad taste or are slanderous or not germane to any action taken or contemplated by the Legislature. The time limits specified above shall be adhered to, except that the Chairman may allow any person speaking to complete a statement or thought started before such time expires, and a longer time maybe allowed by the Chair with approval of a majority of the Legislature.
- D. Before the commencement of business at any meeting, the Clerk shall provide each Legislator, a listing of the communications received, the agenda for the day and other special business that may be brought to the attention of the Legislature. The Clerk shall also provide an appropriate number of copies for members of the press and public who may be present at the meeting. All correspondence or communications for the meeting shall be made available or read by the Clerk, if requested. Before action upon any local law, motion, or resolution, the Clerk shall read the number assigned and the short title of the local law, motion, or resolution.
- E. Individual Legislators who wish to recognize certain individuals or organizations for outstanding achievements shall first contact the Clerk of the Legislature with a request for commendation, which identifies the individual(s), or organization(s) and describes the achievement. Subject to the confirmation and direction of the Chairman, the Clerk of the Legislature shall as soon as possible cause to be prepared a document appropriate for the commendation and bearing the signature of the Chairman of the Legislature and the sponsoring Legislator(s) for delivery to the recipient.
- F. Whenever appropriate and possible, the Chairman may change the order of business to accommodate appearances by county managers and employees.

Rule 4. Local Laws

- A. A local law formalizes legislation of the most significant nature, usually actions that are required by law to be enacted by local law. The Municipal Home Rule Law governs local laws. Through Municipal Home Rule Law local officials now have a reliable grant of local legislative powers that may be exercised with confidence that local laws adopted within the scope of the home rule grant will be construed as though they were enacted by the State Legislature
- B. Local laws may be prefiled in the same manner as resolutions, but a local law can only be introduced by a member or committee of the County Legislature and must be on desks 7 calendar days exclusive of Sundays) or emailed or mailed at least 10 days (exclusive of Sundays) before the County Legislature may debate and act on it. Exception: If there is a message of necessity for its immediate passage from the County Executive and a two-thirds vote for immediate passage by the legislative body, the local law can be debated and acted upon under emergency procedure, provided, however, that such local law must be passed by the affirmative vote of two-thirds of the total membership of the County Legislature.
- C. The County Executive holds a public hearing within 20 days after the local law has been presented to him or her and has a total of 30 days to approve or disapprove of the local law. If within the thirty days after a local law shall have been presented such officer shall neither approve it nor return it to the Clerk with objections; it shall be deemed to be adopted in the manner as if it was signed. At any time prior to such adoption or to the return of a local law by such officer, the County Legislature may recall the same and reconsider its action thereon. If the local law is not subject to referendum, final adoption occurs after the County Executive holds a public hearing and approves the local law and it is filed with the Secretary of State. If the local law is subject to referendum, mandatory or on petition, it is considered finally adopted when it receives the affirmative vote of a majority of the qualified voters, or if no petition is filed, within 45 days after approval by the County Executive. The correct local law number is based on the date of final adoption, and may differ from the introductory number.

Rule 5. Motions

- A. A motion is an informal proposed action in writing dealing specifically with matters which are not legislative in character. All motions must contain factual information establishing the basis for their consideration by the Legislature and describing the implications of the Legislature's positive consideration.
- B. 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" and may proclaim the same as it may seem fitting and proper under the circumstances. Numbered motions shall be used by the Legislature for such expressions and for such other internal matters which shall not cause or otherwise direct an action to be taken by any other department or agency within County Government. In addition to the above requirements, the Clerk of the Legislature must certify to the Legislature upon presentation of all motions that a particular motion is signed by at least a majority of the members of the Legislature, otherwise a particular motion shall not be considered, and a two thirds affirmative vote of the members of the Legislature shall be required for passage of motions.

C. Motions shall only be sponsored by a member or committee of the Legislature.

D. Only the Title of the numbered motion together with the action of the Legislature shall be printed in the official Journal of Proceedings. However, the Clerk of the Legislature shall maintain the original motions on file in accordance with existing directives.

Rule 6. Resolutions

- A. A resolution is a formal expression of opinion, will, or intent of a proposed action in writing for enactment of legislation and actions which are legislative in character.
- B. Goals and objectives, as well as specific performance measures for those goals and objectives, which shall be used in the formulation of budgets and for measuring the success of the budgets' implementation, shall be adopted by resolution.
- C. Resolutions shall only be sponsored by a member of the Chautauqua County Legislature.

Rule 7. Action on Motions and Resolutions

- A. All motions and resolutions read by the Clerk of the Legislature for action shall be in writing and shall contain a short title setting forth the purpose of proposed action, and shall include the sponsor's name(s), which shall be carried on the resolution and motion throughout the Legislative process. All motions must contain factual information establishing the basis for their consideration by the Legislature and describing the implications of the Legislature's positive consideration.
- B. All motions and resolutions filed with the Clerk of the Legislature before 10:00 a.m. of the fourth day previous to a regular meeting of the Legislature, if such fourth day is not a holiday, Saturday or Sunday and if such is a holiday, Saturday or Sunday, then before 10:00 a.m. on the first day prior thereto that the office of the Clerk of the Legislature is open, shall be resented by the Clerk for action at the first following regular meeting of the Legislature, and such resolution or motion shall not require a second. A sponsoring Legislator may indicate that the motion or resolution should go to the appropriate committee(s) first, but regardless of committee action or inaction, the resolution or motion shall be presented by the Clerk for action at the next following regular meeting of the Legislature. All motions and resolutions to be considered by the Legislature at special meetings called in accordance with the provisions of Rule 1D shall be filed with the Clerk at the time notice of a special meeting is directed to the Clerk of the Legislature by the Chairman or request for a special meeting is made by a majority of the Legislature and such motions and resolutions shall not require a second. The Clerk of the Legislature shall forthwith assign a number to each such motion and resolution and make it or a copy of it available for inspection by members of the Legislature in the Legislative meeting rooms. The Clerk shall forward to each Legislator a copy of all motions and resolutions prefiled for consideration at regular meetings as soon as practicable. The Clerk shall forward to each Legislator a copy of all motions and resolutions prefiled for consideration at special meetings at such time as the notice of special meeting is directed to the Legislators as required by Rule 1D. However, the Clerk shall not refuse to file any resolutions or motions properly signed and timely presented for filing because of any defect in form. In addition to the above requirements, (1) the Clerk must certify to the Legislature upon presentation of all motions that a particular motion is signed by at least a majority of the members of the Legislature, otherwise a particular motion shall not be considered, and (2) upon the prefile and/or subsequent amendment in committee or otherwise of a local law or resolution that would impact sales tax revenues of local municipalities other than the County, the Clerk shall immediately send by first class mail or via facsimile or by email a copy of such prefiled local law, resolution, or amendment to the clerk of all municipalities that will be impacted thereby. A failure to mail or receive said copy shall not, however, be grounds for invalidating local laws, resolutions, or amendments of such legislation adopted by the Legislature.
- C. Any motion or resolution not filed in accordance with the provisions of paragraph (B) of Rule 7 or any motion or resolution offered verbally from the floor shall be laid on the table until the next meeting day, unless the sponsoring Legislator shall indicate that he wishes the motion or resolution to go to the appropriate committee(s) first. All motions and resolutions shall be signed by one or more Legislators (or may be offered verbally from the floor.) All motions and resolutions except those prefiled pursuant to Rule 7B can be offered as an emergency, after obtaining a second, and explaining the necessity for immediate action on the motion or resolution; if the Chairman determines that two-thirds of the membership of the Legislature is favorable, debate and action on the proposed motion or resolution shall proceed. Any motion or resolution offered in writing or verbally shall be in the possession of the Legislature and may be withdrawn only by the joint action of those persons offering and seconding it before amendment. The same offered verbally may be read from the floor, but the sponsor thereof shall have delivered a written copy of the full text to the Clerk. Emergency motions shall be considered only after the end of prefiled motions and/or before prefiled resolutions. Emergency resolutions shall be considered only after prefiled resolutions. In accordance with Robert's Rules of Order a further two-thirds vote will be required to bring an emergency motion or resolution out of order on the agenda.

Rule 8. Rules of Debate

- A. When a question is under debate, the procedure and rules of debate shall be governed by Robert's Rules of Order relative to precedence of motions as follows:
 1. Fix the time at which to adjourn (requires second, not debatable, may be amended & requires a majority).
 2. To adjourn (requires second, not debatable, may not be amended & requires a majority).
 3. To recess (requires second, not debatable, may be amended & requires a majority).
 4. Lay on the table. "To Table" holds until close of next regular meeting, it does not kill a local law, resolution, or motion. If not taken from Table before close of next regular meeting it then kills the business (requires second, not debatable, may not be amended & requires a majority).
 5. Previous Question (requires second, not debatable, may not be amended & requires a 2/3 vote).
 6. Limit or extend limits of debate (requires second, not debatable, may be amended, & requires a 2/3 vote).
 7. Postpone to a certain time. The object is to set a time when a matter must be considered (requires second, debatable, may be amended & requires a majority).
 8. Commit or Refer (requires second, debatable, may be amended & requires a majority).
 9. Amend (requires second, debatable, may be amended & requires a majority).
 10. Postpone Indefinitely. The object is to kill a local law, resolution, or motion (requires second, debatable, may not be amended & requires a majority).

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11. Take from table. Must be "Taken from Table" before close of next session, after tabling motion was made (requires second, not debatable, may not be amended & requires a majority).
 12. Reconsider. To bring up a question for discussion and obtain a new vote. Only one who voted with prevailing side can make this motion, but anybody can second; can only be made on same day (requires second, debatable, may not be amended & requires a 2/3 vote).
 13. Rescind. To annul some action, no matter how old, except where action has been taken that cannot be undone. Rescind a motion any time can be moved by anyone; requires a second, except "to give notice." If "Notice" of the motion to be proposed was given at a previous meeting or prefiled for this meeting, a majority vote will carry. No "Notice" given requires two-thirds vote to carry (requires second, debatable, may be amended & requires a 2/3 vote without previous notice).
 14. Renew. Used to reintroduce a local law, resolution, or motion again at a future session. Can be made and seconded by any Legislator (requires second, debatable, may be amended & requires a 2/3 vote without previous notice).
 15. Suspend Rules (requires second, not debatable, may not be amended & requires a 2/3 vote without previous notice)
 16. Withdraw. The maker of a local law, motion, or resolution has the right to "Withdraw" it any time before the Chairman of the Legislature opens the debate on the local law, motion, or resolution. The maker and the person who seconded it can withdraw a motion that has been seconded before any debate. Once a local law, motion, or resolution is under debate, permission by a motion seconded and approved by majority vote is required (not debatable, may not be amended & requires a majority vote).
- B. No member shall speak on any question without first raising his or her hand, and upon being recognized by the Chairman may proceed. When two or more members raise their hands at the same time the Chairman shall name the member who shall speak first.
- C. The Chair may limit the speaking of a member on any motion or resolution or any amendment to a motion or resolution to three times.

Rule 9. Voting

A. A roll call shall be taken on any question when required by statute or demanded by any member of the Legislature.

A roll call is required by law for the following:

1. Fixing or altering salaries, or establishing salary and wage classifications.
 2. Adoption of budgets.
 3. Levying of taxes.
 4. Bond resolutions: any authorization to fund or refund indebtedness wherein a two-thirds vote is required.
 5. Legalizing informal acts of a town meeting, village election, and town or village officer.
 6. Legalizing municipal obligations incurred through error or mistake wherein a two-thirds (2/3) vote is required.
 7. Alteration of boundaries of a town.
 8. Local Laws.
 9. Any sale or conveyance of County real property to a third party wherein a two-thirds (2/3) vote is required after the County Legislature has determined that said real property is no longer necessary for public use.
 10. Override Executive Vetoes, wherein a two-thirds (2/3) vote is required.
 11. Home rule requests to the State legislature.
- B. Every member who shall be present when the Chairman states a question shall vote thereon, except that a Legislator may abstain from voting with permission from a majority of the Legislature because of a direct interest in the question presented.
- C. Unless a larger affirmative vote is required by law or specifically by the rules, action may be taken by the Legislature and authorized by a majority of the total membership. If a larger proportion is required by these rules, the required proportion shall be deemed to be a proportion of the total membership.
- D. Negative votes shall be recognized by the Chairman and duly recorded by name.
- E. Voting on any appointment to a County Office or a County Body requiring the confirmation of the Legislature shall be by voice vote except if any member of the Legislature requests a roll call vote.

SECTION II — COMMITTEES

Rule 1. Standing Committees

- A. The Legislature may create standing committees for the purpose of aiding and assisting the Legislature in transacting its business. A member of any standing committee shall serve until the end of the calendar year in which he or she shall be appointed. Standing committees shall consist of not less than three or more than nine members.
- B. The Legislature may from time to time create special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members.
- C. The general rules of parliamentary practice as outlined in Robert's Rules of Order, revised, shall be referred to for the guidance of all special and standing committees of the legislature.

Rule 2. Quorum

A majority of the whole number of the committee shall constitute a quorum for the transaction of business, but a lesser number may adjourn. The Chairman of the Legislature, in his or her capacity as ex-officio of a committee, may be added to the whole number of the committee and counted for the purpose of attaining a quorum and determining the majority vote.

Rule 3. Order of Business

- A. The order of business at each meeting, except at such times that may be set apart for the consideration of special orders of the day, shall be as follows:

1. Call to Order.
 2. Approval of Minutes.
 3. Privilege of the floor for members of the public. This Privilege shall extend to any person appearing for himself in which case each individual appearing shall be limited to three minutes: and to persons representing any group in which case there shall be allowed only one spokesman for the group, who shall be limited to a maximum time of five minutes.
 4. Petitions and Communications.
 5. Local Laws, Resolutions, and Motions.
 6. Discussions.
 7. Other Business.
- B. The privilege of the floor may be extended to any person out of the order of business set forth in Subsection A unless a Legislator objects in which case the floor shall be extended only upon a majority vote of the committee of the whole.
- C. The Secretary of the committee shall have the duty of calling such time limits, and the Chairman may determine, at his or her discretion, whether individuals are speaking for themselves or are representing groups. The Chairman shall maintain good order, and may require any speaker to cease speaking if remarks are made in bad taste or are slanderous or not germane to any action taken or contemplated by the committee. The time limits specified above shall be adhered to, except that the Chairman may allow any person speaking to complete a statement or thought started before such time expires, and a longer time may be allowed by the Chairman with approval of a majority of the committee.

Rule 4. Local Laws, Motions, Resolutions

- A. Sponsorship of local laws, motions and resolutions shall be the same as in "Section I Legislature." Except resolutions requested by the County Executive shall be placed on an appropriate committee prefiled agenda. All local laws, motions and resolutions shall be filed with the Clerk of the Legislature by 11:00 a.m. of the fifth day previous to a regular meeting of the committee; if such fifth day is a Saturday or Sunday or holiday, then by 11:00 a.m. on the first day prior thereto that the office of the Clerk of the Legislature is open. Any such local law, motion or resolution prefiled by a Legislator shall not require a sponsor in committee. Any local law, motion or resolution on a prefiled agenda shall not need a motion moved and seconded to bring it to the floor for action. Matters not on a prefiled agenda shall be considered upon the approval of the Chairman of the committee or upon the approval of the majority of the committee. Resolutions of a committee, except resolutions to adjourn, shall be deemed adopted upon the affirmative vote of a majority of the total membership of the committee.

Rule 5. Committee Chairman

- A. Each committee Chairman shall provide a time for the public to be heard on matters relating to the meeting agenda or on matters within the scope and authority of the committee. The Vice-Chairman shall serve as Chairman in the absence of the Chairman.
- B. Each committee Chairman shall be responsible for keeping the minutes of the meetings of his or her committee and may delegate the duty. The minutes shall be kept in a uniform minute book provided by the Clerk of the Legislature. The minutes shall contain verbatim of the business conducted by the committee, together with a record of the decisions made by the committee and the time and place and persons present at the committee meeting. Copies of the minutes shall be filed with the Clerk of the Legislature and made available to the County Executive within ten days after each meeting to the extent practicable.
- C. Each standing committee chair may appoint subcommittees at his or her discretion to deal with issues within the scope and authority of his or her committee.

Rule 6. Meeting Time, Place, Notification, Executive Session

- A. The Clerk of the Legislature shall notify the news media within the County and the appropriate elected officials and departments who have business before a committee of the dates, times and places of all regular and special meetings of all committees of the Legislature. Such committee meetings shall be open to the public.
- B. Regular scheduled meetings of the committees shall not be changed as to time or place except upon the approval of the Chairman of the committee and with the approval of a majority vote of the committee either at a meeting of the committee or canvassed by phone, with timely notice given to the Clerk of the Legislature so as to fulfill the requirements of New York State's Open Meetings Law, as amended.
- C. A committee Chairman may call a special meeting of the committee with timely notice filed with the Clerk of the Legislature.
- D. To close a meeting for executive session several procedural steps must be taken:
1. A motion must be made during an open meeting to enter into executive session.
 2. The motion must identify "the general area or areas of the subject or subjects to be considered."
 3. The motion must be carried by a majority vote of the total membership of the committee.
 4. There are eight subjects that are allowable by law to be discussed behind closed doors
 - a. matters which will imperil the public safety if disclosed;
 - b. any matter which may disclose the identity of a law enforcement agency or informer;
 - c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
 - d. discussions regarding proposed, pending or current litigation;
 - e. collective negotiations pursuant to Article 14 of the Civil Service Law, i.e., the Taylor Law;
 - f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - g. the preparation, grading or administration of examinations;
 - h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
 5. All committee action shall take place in open session.

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Rule 7. Functions and Powers of Committees

A. All standing committees shall have the functions and powers and duties herein enumerated and such other functions, powers and duties as shall from time to time be conferred upon or assigned to them by the Legislature. Every standing committee shall have implied authority to do whatever is necessary or incidental to carry out the main purpose of the committee.

B. Within the areas of its designated interest, each committee shall fulfill the following functions:

1. Investigate facts, conditions and alternative actions relative to current or proposed county government action or other involvement, as a basis for recommending policy to the Legislature.
2. Recommend policy to the Legislature regarding proposed policy relative to the County Executive, the departments or agencies for which he or she is responsible, other elected officials and their departments, and other governmental or private agencies.
3. Represent the County and act in a liaison position between such groups and the County Legislature.
4. Consider and recommend to the Legislature action on all appointments by the County Executive that require legislative approval, except on an appointment to fill a vacancy in the County Legislature.
5. Establish budget oversight procedures and outcomes for the committees designated interest.

C. The following standing committees of the County Legislature are hereby created:

Administrative Services
 Audit and Control
 Human Services
 Planning and Economic Development
 Public Facilities
 Public Safety

C. The areas of responsibilities for each of the above named committees are as follows:

ADMINISTRATIVE SERVICES COMMITTEE

This Committee shall:

- a. Study and make recommendations to the Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with administrative services under the executive branch of county government, and programs associated with the County Clerk and Board of Elections.
- b. Continuously monitor the programs associated with administrative services under the executive branch of county government and the County Clerk and Board of Elections, and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities involving programs associated with administrative services under the executive branch of county government and programs associated with the County Clerk and Board of Elections.
- d. Review and make recommendations to the Legislature regarding compensation of all officers and employees paid from county funds.
- e. Deal with all matters pertaining to the operation of the Legislature.
- f. Review and recommend proposed changes to the Chautauqua County Charter and review proposed changes to the Chautauqua County Administrative Code.
- g. Act on all appointments not under the jurisdiction of another committee of the Legislature.
- h. Deal with all matters involving county tax sales, county tax liens, and county tax deeds and shall make recommendations to the full Legislature concerning the sale or other disposition of County-owned tax properties.

AUDIT AND CONTROL COMMITTEE

This Committee shall:

- a. Study and make recommendations to the full Legislature on all appropriations for all purposes. It shall work with the County Executive, other elected officials, and the Budget Director in developing the tentative capital budget and the tentative operating and maintenance budget.
- c. Review the aforesaid tentative budgets after their presentation with the County Executive, other elected officials, the Budget Director, and those department heads requesting revised budgets. It may summon other department heads to testify as it deems necessary. In preparing the tentative capital budget and tentative operating and maintenance budget, the committee shall receive commendations from the other standing committees relating to priorities within their respective jurisdiction.
- c. Recommend to the full Legislature such changes in the tentative budgets as it deems appropriate. After the budget has been legally established, it shall review any requested additions or transfers of funds between accounts or departments, except those transfers authorized by Executive Transfer. No local enactment designated for committee review carrying an appropriation or transfer of money shall be acted upon by the full Legislature until action shall have been taken by this committee, except as otherwise provided herein.
- d. Approve all capital projects and review performance and actual costs against original commitments.
- e. Deal with all matters pertaining to other municipalities in areas of tax exemption.
- f. With the assistance of the Finance Director, Budget Director, and the County Legislature's financial analyst, it shall monitor and recommend to the full Legislature any necessary action regarding the County's investment policies, indebtedness, tax levy, tax rate, tax stabilization, fund balances, long-range financial planning and other financial matters.
- g. Be responsible for identifying, developing, and recommending general financial policy and related structural changes in County government in order to ensure its financial health and stability.

HUMAN SERVICES COMMITTEE

This Committee shall:

- a. Study and make recommendations to the Audit & Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with Human Services under the executive branch of county government.
- b. Continuously monitor the programs associated with human services under the executive branch of county government and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with human services.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

This Committee shall:

- a. Study and make recommendations to the Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with planning and economic development under the executive branch of county government.
- b. Continuously monitor the programs associated with planning and economic development under the executive branch of county government and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with planning and economic development.
- d. Deal with all matters associated with the Chautauqua County Industrial Development Agency, Chautauqua County Planning Board, and agriculture.
- e. Deal with all matters pertaining to air and water quality and land use, except for matters involving public facilities.

PUBLIC FACILITIES COMMITTEE

This Committee shall:

- a. Study and make recommendations to the Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with public facilities under the executive branch of county government, and special purpose districts.
- b. Continuously monitor the programs associated with public facilities under the executive branch of county government and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with public facilities.

PUBLIC SAFETY COMMITTEE

This Committee shall:

- a. Study and make recommendations to the Audit and Control Committee and the full Legislature on goals and objectives, specific performance measures, and budget appropriations for programs associated with public safety under the Sheriff, District Attorney, Public Defender, Probation, and Emergency Services.
- b. Continuously monitor the programs associated with public safety under the Sheriff, District Attorney, Public Defender, Probation and Emergency Services and evaluate the performance of such programs relative to the goals and objectives and specific performance measures adopted by the Legislature and in accordance with program appropriations.
- c. Deal with all matters pertaining to other municipalities that involve programs associated with public safety.
- d. Act as a liaison to the Courts of Chautauqua County and deal with public safety matters involving the courts.

Rule 8. Rules of Debate

The rules of debate applicable to the Legislature in Section I, Rule 8, are applicable to Committees.

SECTION III — DUTIES AND RESPONSIBILITIES**Rule 1. Responsibilities of Chairman of the Legislature**

The Chairman of the County Legislature:

- a. May act as a liaison agent between Chautauqua County and its neighboring counties and may be authorized to attend official meetings and functions in neighboring counties where such meetings deal with subjects which may concern the government and welfare of the people of Chautauqua County.
- b. Shall, together with the Public Facilities Committee, act as a liaison between the Planning Board and the County Legislature.

Rule 2. Duties of Chairman of the Legislature

- a. The Chairman shall preserve order and decorum, and shall decide all questions of order. His or her decision is final unless an appeal is taken to the Legislature, in which case his or her ruling may be overridden by a two-thirds majority of the membership of the Legislature. He or she shall appoint the members of all standing committees, Chairman and Vice Chairman of committees, Ranking Member of the minority party with the advice of the minority leader, and legislative representation to all special committees, boards and commissions, which are the responsibility of the Legislature.
- b. The Chairman shall be an ex-officio member of all standing and special committees and shall receive notice of all committee meetings.
- c. The Chairman shall have the duty of becoming familiar with the property, functions and fiscal affairs of the County and make recommendations to the Legislature on legislation, rules and regulations and such other matters as he or she may deem material and advisable.

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- d. The Chairman shall have the authority to determine which Legislators and employees of the Legislative branch may attend conferences and schools conducted for the betterment of County government.
- e. The Chairman is authorized to call a meeting of any standing or special committee of the Legislature at any time.
- f. Whenever appropriate and possible, the Chairman may change the order of business to accommodate appearances by county managers and employees.

Rule 3. Duties of the Clerk

- a. The Clerk shall keep a record of all acts and proceedings of the Legislature and be the custodian of the records, vouchers and other papers required or authorized by law to be deposited in his or her office.
- b. The Clerk shall prepare the tax rolls, except when otherwise directed by the Legislature.
- c. Administration:
 - 1. Legislature office staff
- d. The Clerk shall be responsible for additional and related duties as may be prescribed by law.

Rule 4. Duties of Other Officers

The duties of all other County officials as specified herein shall be in addition to the duties, responsibilities, and limitations for each such officer as set forth by the State of New York Constitution and Laws, the County Charter, and the County Administrative Code.

SECTION IV — EXPENSES AND OTHER UNSPECIFIED PROCEDURES

Rule 1. Expenses of Legislators

- a. The actual and necessary expense of all members of the Legislature incurred in the performance of official powers and duties of the County shall be a County charge.
- b. When a Legislator travels on official County business and travel commences from a location other than their personal residence within their district, he or she shall be entitled to the current County mileage allowance for the miles from the residence, if the residence is nearer the site of official County business, or the actual mileage from the location other than the residence to the site of official County business if that distance is less than the mileage from the residence.
- c. No mileage allowance shall be paid to any Legislator for attendance at meetings of any organization or municipality, unless the Legislator has been appointed an official representative of the County Legislature by either the Chairman of the Legislature or by a Legislative Resolution. Mileage allowance shall not be paid to any Legislator for attending Town, Village, City Board or Council meetings.
- d. No mileage allowance shall be paid to any Legislator when the means of transportation is other than personal automobile. Subject to approval of the Chairman of the Legislature, reasonable travel expenses other than those incurred by use of a personal automobile shall be reimbursable as actual and necessary expenses while on County business, provided that receipts shall be required for all commercial or public transportation expenses.
- e. All claims for the actual and necessary expenses of members of the County Legislature shall be made upon properly executed County claim vouchers, with proper documentation, which shall be subject to the review and approval of the Chairman of the Legislature.
- f. All special requests for reimbursement of expenses, including expenses related to Conferences, Training, and out of County travel, must be approved by the Chairman of the Legislature prior to incurring the expense.

Rule 2. Challengers, Appeals, Disagreements

Any challengers, appeals or disagreements as to the meaning or effect of any of the rules of procedure specified herein as they may be from time to time ruled upon by the Chairman of the Legislature or other officers, shall be determined by the Chairman, with advice by the Legislature's Attorney by reference to Robert's Rules of Order, and any item of procedure not governed specifically by any of these rules shall be governed by Robert's Rules of Order.

Rule 3. Amendments to the Rules and Regulations

These rules may be amended and other rules added and adopted by a majority vote of the Legislature upon resolution duly presented in accordance with these rules. All rules in conflict with these rules and all previous rules and regulations governing the Chautauqua County Legislature are hereby repealed and rescinded.

Signed: Scudder, Himelein, Starks, Muldowney, Davis

Unanimously Adopted – September 26, 2018

RES. NO. 204-18
Amend 2018 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNTS:

A.3020.DISP.4 Contractual – Publ Safety Communication— Consolidated Dispatch	\$ 5,685
A.3020.TECH.4 Contractual – Publ Safety Communication— Technical Services	<u>\$14,975</u>
	\$20,660

DECREASE APPROPRIATION ACCOUNT:

A.3110.1 Personal Services – Sheriff	\$20,660
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Signed: Niebel, Bankoski, Vanstrom, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 205-18

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Culinary Arts Instruction

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County is required pursuant to the New York State Correction Law and Education Law to provide appropriate educational services to eligible inmates housed at the County Jail; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has successfully administered various education programs at the jail, and has the ability to oversee a culinary arts program; and

WHEREAS, Chautauqua County desires to offer a culinary arts program to eligible inmates in an effort to assist such inmates in obtaining gainful employment when released from jail, and has negotiated a tentative agreement with BOCES for the period of August 1, 2018 through July 31, 2019, with payments to be made by BOCES to the County of Chautauqua for a total sum not to exceed \$35,972; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2018 budget and will be included in the 2019 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for a culinary arts instruction program.

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

Unanimously Adopted – September 26, 2018

RES. NO. 206-18

Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for School Resource Officers

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff has conferred with the administrators of Chautauqua-Cattaraugus Erie II BOCES and determined that the County and BOCES schools in the region and would benefit by the continuation of the School Resource Officer program; and

WHEREAS, Chautauqua-Cattaraugus Erie II BOCES has agreed to compensate the County of Chautauqua for the cost of providing two (2) Deputy Sheriffs for the period of July 1, 2018 through June 30, 2019, the deputies to be shared between three facilities at a total sum not to exceed \$214,116.71, plus any agreed upon overtime hours compensated at the rate of \$64.08 per hour; and

WHEREAS, the County will not be required to incur any additional expenditures to fund these positions; and

WHEREAS, an appropriate portion of the revenue from this agreement is included in the 2018 budget and will be included in the 2019 budget; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Chautauqua-Cattaraugus Erie II BOCES for the School Resource Officer program.

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

Unanimously Adopted – September 26, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 207-18

Authorize Execution for New York State Office of Homeland Security Grant for State Law Enforcement Terrorism Prevention Program (SLETPP) FY18

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services for continued implementation of the State Law Enforcement Terrorism Prevention Program (SLETPP); and

WHEREAS, the State of New York will provide funding in the amount of \$49,986.00 with no local funds required for the contract period from September 1, 2018 to August 31, 2021; and

WHEREAS, this grant is included in the 2018 budget; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security and Emergency Services.

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

Unanimously Adopted – September 26, 2018

RES. NO. 208-18

Authorize Execution for New York State Office of Homeland Security and Emergency Services Grant for Explosive Detection Canine Team FY17

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York approved the application for an Office of Homeland Security and Emergency Services Program Grant for further implementation of the Explosive Detection Canine Team; and

WHEREAS, the State of New York will provide funding for FY17 grant award T182479 in the amount of \$15,000, with no local funds, for the contract period from September 1, 2018 to August 31, 2020; and

WHEREAS, it is anticipated that the grant funds will not be used during the 2018 budget period so no budget adjustments will be required at this time; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement to secure the grant funding with the New York State Office of Homeland Security.

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

Unanimously Adopted – September 26, 2018

RES. NO. 209-18

2017 Hazardous Materials Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Office of Emergency Services was awarded a Regional Partnership Grant in the amount of \$94,000 under the 2017 Hazmat Grant Program which runs from August 1, 2018 through August 31, 2020; and

WHEREAS, the 2017 Hazmat Grant is a Regional Partnership Grant which includes Hazmat teams from Chautauqua, Cattaraugus, Allegany and Seneca Nation of Indians; and

WHEREAS, Resolution 140-15 authorized the County Executive to sign and accept the Homeland Security HazMat Grant Program, now therefore be it

RESOLVED, That the Director of Finance is hereby directed to make the following 2018 budgetary changes:

INCREASE APPROPRIATION ACCOUNTS:

A.3640.----.1	Personal Services—Hazardous Materials	\$ 4,700
A.3640.----.2	Equipment —Hazardous Materials	\$82,858
A.3640.----.4	Contractual —Hazardous Materials	<u>\$ 442</u>
	\$88,000	

INCREASE REVENUE ACCOUNT:

A.3640.----.R430.5004	Federal Aid – Homeland Security	\$88,000
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REGULAR SESSIONS

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

Unanimously Adopted – September 26, 2018

RES. NO. 210-18
Establishment of Certified Ambulance Service

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to New York State Public Health Law Article 30, section 3008(7) a, a municipality may determine that a need exists to establish an ambulance or advanced life support service (ALS-FR); and

WHEREAS, the County of Chautauqua is experiencing a serious shortage of commercial and volunteer ambulance service within the County; and

WHEREAS, such shortage has the potential to adversely affect the health and safety of the residents of Chautauqua County; and

WHEREAS, the County has previously established an ALS-FR service; and

WHEREAS, the County Legislature desires to establish a certified ambulance service by seeking authority from the State Emergency Medical Services Council to provide ambulance service within the entire geographical area of the County; now therefore be it

RESOLVED, That the County Legislature authorizes the County Executive to prepare and execute such documents as may be necessary to apply for the establishment of an ambulance service, and to eventually establish and operate such service for the benefit of County residents as may be approved in the County budget; and be it further

RESOLVED, That this resolution shall take effect January 1, 2019.

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

Adopted w/ Legislators Gould, Odell, Pavlock voting "no" – September 26, 2018

RES. NO. 211-18
Indemnification Agreement with Genesee County for Services Performed Under Integrity Partners for Behavioral Health IPA, Inc.

By Human Service and Audit & Control Committees:
At the Request of County Executive Borrello:

WHEREAS, pursuant to Resolution No. 325-16, the Chautauqua County Legislature authorized the County Executive to execute an intermunicipal agreement with Genesee County for the purpose of paying Chautauqua County's pro-rata share of the joint legal fees incurred to establish a behavioral health Intermunicipal Consortium between the Counties of Chautauqua, Cattaraugus, Livingston, Genesee, Niagara, and Orleans ("Counties"); and

WHEREAS, the Counties, pursuant to Section 402 of the Not-For-Profit Corporation Law, formed Integrity Partners for Behavioral Health IPA, Inc. ("IPA"), whose purpose is to provide services as an independent practice association pursuant to the provisions of Article 44 of the New York Public Health Law and Title 10, Part 98 of the New York Code of Rules and Regulations; and

WHEREAS, Genesee County, through its Department of Mental Hygiene, is designated to act as the lead agency of the IPA on behalf of the Counties for receipt and disbursement of funds payable under a Value Based Payments Readiness Program ("VBPR") agreement between New York Quality Healthcare Corporation d/b/a Fidelis Care and the Genesee County Department of Mental Hygiene, and to execute, deliver and perform the VBPR; and

WHEREAS, it is appropriate that Chautauqua County enter into an Indemnification Agreement with Genesee County that will indemnify Genesee County for bearing the primary risk as lead agency on behalf of Chautauqua County in the execution, delivery, and performance of the VBPR; and the receipt of disbursement of funds under the VBPR; now therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into an Indemnification Agreement with Genesee County for services performed as lead agency on behalf of Chautauqua County under Integrity Partners for Behavioral Health IPA, Inc.

Signed: Wilfong, Rankin, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

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RES. NO. 212-18

Amend Budget for Renovation of Office Space at 2 Academy Street, Mayville for Chautauqua County Department of Mental Hygiene Administrative Offices

By Human Service and Audit & Control Committees:
At the Request of County Executive Borrello:

WHEREAS, pursuant to Resolution 307-17, the Department of Mental Hygiene entered into a lease with Town of Chautauqua for space available at 2 Academy Street, Mayville, New York; and

WHEREAS, renovations are required to meet the Department of Mental Hygiene's needs and permit it to consolidate its administrative offices; and

WHEREAS, the Department of Mental Hygiene received \$95,468 in funding from the New York Care Coordination Program, Inc. ("NYCCP") for lead Health Home functions, which is not included in the 2018 Budget; and

WHEREAS, the Department of Mental Hygiene intends to use the NYCCP funds and deferred revenues to pay for the renovations of the space located at 2 Academy Street, Mayville, New York; and

WHEREAS, no expenditures or revenue for renovations were recorded in 2017 so most of the amendments to the 2017 Budget from Resolution 307-17 need to be added to the 2018 Budget; therefore, be it

RESOLVED, That the Chautauqua County Legislature accepts the \$95,468 in funding from the NYCCP for lead Health Home functions and designates that said funding shall be used towards renovations of the available space located at 2 Academy Street, Mayville, New York; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE REVENUE ACCOUNTS:

A.4320.----.R277.0000	Miscellaneous--Other Unclassified Rev	\$ 95,468
A.4320.----.R277.0000	Miscellaneous--Other Unclassified Rev	<u>\$ 32,532</u>
	Total	\$128,000

INCREASE APPROPRIATION ACCOUNTS:

A.4310.----.4	Contractual - Mental Hygiene Admin	\$ 58,000
A.4320.----.4	Contractual - Mental Hygiene Programs	<u>\$ 70,000</u>
	Total	\$128,000

Signed: Wilfong, Rankin, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 213-18

Amend Chautauqua County Health & Human Services 2018 Budget for Coroner Equipment Purchases

By Human Service and Audit & Control Committees:
At the Request of County Executive Borrello:

WHEREAS, on July 27, 2018, pursuant to Local Law 11-18 and the County's Administrative Code, Chautauqua County's Coroner program became a Division of the Department of Health and Human Services; and

WHEREAS, it has been determined that supplying the Coroners with communications and other equipment will aid them in the performance of their duties; and

WHEREAS, the 2018 Medical Examiners & Coroners budget did not include any funding for equipment purchases; and

WHEREAS, 2018 equipment expenditures for Social Services Administration are now projected to be lower than the budgeted amount; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.1185.----.4	Contractual-Med Examiners & Coroners	\$ 10,000
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DECREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual-Social Services Admin`	\$ 10,000
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Signed: Wilfong, Rankin, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

REGULAR SESSIONS

RES. NO. 214-18

Amend Chautauqua County Health & Human Services 2018 Budget for Increased Emergency Aid for Adults Costs

By Human Service and Audit & Control Committees:
At the Request of County Executive Borrello:

WHEREAS, 2018 expenditures for Emergency Aid for Adults are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 contractual expenditures for Medicaid weekly shares are now projected to be lower than the budgeted amount;
and

WHEREAS, Emergency Aid for Adults costs are funded at 50% 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 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6142.----.4	Contractual-Emergency Aid for Adults	\$66,000
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DECREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual-Medicaid	\$33,000
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INCREASE REVENUE ACCOUNT:

A.6142.R364.2000	NYS Aid – Emerg Assist for Adults	\$33,000
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Signed: Wilfong, Rankin, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 215-18

Amend Chautauqua County Health & Human Services 2018 Budget for Increased Handicapped Preschool Education Tuition Costs

By Human Service and Audit & Control Committees:
At the Request of County Executive Borrello:

WHEREAS, 2018 expenditures for Handicapped Preschool Education Tuition are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 contractual expenditures for Medicaid weekly shares are now projected to be lower than the budgeted amount;
and

WHEREAS, Handicapped Preschool Education Tuition costs are funded at 59.5% 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 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.2960.TUIT.4	Contractual-Educ. Handicapped Children Tuition	\$442,500
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DECREASE APPROPRIATION ACCOUNT:

A.6100.----.4	Contractual-Medicaid	\$179,212
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INCREASE REVENUE ACCOUNT:

A.2960.4410.R327.7000	NYS Aid – Ed Handicapped Children	\$263,288
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Signed: Wilfong, Rankin, Whitford, Pavlock, Chagnon, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 216-18

Joint Funding Agreement with U.S. Department of Interior – Geological Survey

By Planning and Economic Development Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County, through its support of the County Sewer Agency, has caused to have constructed a gauge station on Chautauqua Lake and gauge instrumentation on the Dow Street Bridge in the Village of Falconer (Resolution No.537-73); and

WHEREAS, the operation and maintenance of these stations is recognized by Chautauqua County as an integral part of not only a flood prevention program on the shores of Chautauqua Lake and within the Village of Falconer, but also as an integral part of a low flow program concerning the maintenance of the Chadakoin River system; and

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WHEREAS, the United States Department of Interior periodically offers a Joint Funding Agreement between the U.S. Geological Survey and the County of Chautauqua requiring a local share for the operation and maintenance of the lake gauge; and

WHEREAS, the County annually budgets to pay the local share portion of the Joint Funding Agreement; therefore be it

RESOLVED, That the County Executive be and hereby is authorized to enter into annual Joint Funding Agreements with the U.S. Geological Survey within annual budget appropriations.

Signed: Odell, Chagnon, Starks, Himelein

Unanimously Adopted – September 26, 2018

RES. NO. 217-18

Authorize Use of Chautauqua County 2% Occupancy Tax Reserve Funds for Mitigating Dredging Impacts in Dunkirk Harbor

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Lake Erie and the City of Dunkirk's Waterfront and Harbor are invaluable assets to Chautauqua County and the City of Dunkirk; and

WHEREAS, Chautauqua County and the City of Dunkirk have worked together to develop tourism-related activities on the City of Dunkirk Waterfront and in the Harbor; and

WHEREAS, Chautauqua County and the City of Dunkirk have been strong advocates for increased Federal Investment in Dunkirk Harbor including maintenance dredging of the Federal Navigation Channels; and

WHEREAS, the United States Army Corps of Engineers is currently dredging the Federal Navigation Channel of Dunkirk Harbor, and the project has resulted in an unanticipated increase in the amount of nuisance aquatic vegetation in the Harbor; and

WHEREAS, the nuisance vegetation is having a negative impact on the Harbor's marinas and was anticipated to have a negative impact on the nationally televised Offshore Powerboat Racing event which occurred on August 17-19, 2018; and

WHEREAS, the 2% Occupancy Tax Reserve fund has an unobligated balance of approximately \$232,382; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates up to \$2,500 from the 2% Occupancy Tax Reserve to reimburse the City of Dunkirk for mitigation of dredging impacts in Dunkirk Harbor; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That the Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR	Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watrway	\$2,500
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;and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4	Contractual—Planning—Watershed Administration	\$2,500
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Signed: Odell, Chagnon, Starks, Himelein, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 218-18

Authorize Agreement with County of Cattaraugus to Extend Term of the Conewango Watershed Commission

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 222-13, the County Legislature authorized an agreement with the County of Cattaraugus to extend the term of the Conewango Watershed Commission until December 31, 2018 to manage the flood control structures in the Conewango Creek Watershed and to manage the 12.5 mile New York State Drainage Ditch, otherwise known as the Dredge; and

WHEREAS, the Conewango Watershed Commission and the County of Cattaraugus wish to extend the term of the Conewango Watershed Commission to continue its management of the watershed infrastructure; therefore be it

REGULAR SESSIONS

RESOLVED, That the County Executive is authorized and empowered to enter into an extension agreement with the County of Cattaraugus as described above to extend the term of the Conewango Watershed Commission to December 31, 2023 upon the following terms and conditions:

1. Term: January 1, 2019 to December 31, 2023.
2. Operation, Cleanup and Maintenance Expense: Subject to appropriation, to be shared equally by the counties for both Conewango Watershed Protection Projects and the Dredge. Each County agrees to continue to budget \$7,500.00 per year for Commission work.
3. Capital Expense: Subject to appropriation, counties are each responsible for capital improvements located within their borders.
4. Termination: Upon ninety (90) days written notice.
5. Other: As negotiated by the County Executive

Signed: Odell, Chagnon, Starks, Himelein, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 219-18
Formation of Chautauqua County Food Policy Council

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Growing Foods Connections (“GFC”) Committee was formed in 2015 to enhance community food security in Chautauqua County while ensuring sustainable and economically viable agriculture and food production; and

WHEREAS, the Chautauqua County Legislature received a presentation on Chautauqua County’s food system by students from the University at Buffalo of the State of New York (“UB”) graduate program in the Fall of 2017, which outlined an action plan to strengthen the local food system; and

WHEREAS, the Chautauqua County Health Network (“CCHN”), which is part of the GFC Committee, secured grant funding through the “Creating Healthy Schools and Communities” program to implement recommendations from the food system study completed by UB; and

WHEREAS, CCHN and the Chautauqua County Division of Planning and Community Development (CCDPCD) seek to enter into an agreement to form a County Food Policy Council to strengthen and sustain the local food system; and

WHEREAS, such efforts fit into the CCDPCD’s mission of ensuring community development and an improved quality of life for all residents and visitors; and

WHEREAS, revenue and expenditures associated with this grant are ~~already included~~ proposed in the tentative 2019 budget; therefore, be it

RESOLVED, That the County Executive is authorized to enter into an agreement with CCHN to accept \$ 15,000 in grant funding for the formation of the Chautauqua County Food Policy Council.

Signed: Odell, Chagnon, Starks, Himelein, Muldowney, Gould (Amended in P&E)

Unanimously Adopted – September 26, 2018

RES. NO. 220-18
Authorize Allocation of 3% Occupancy Tax Funding from the 2018 Reserve Account for Ripley Gateway/Commerce Center Feasibility Study

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County has established a 3% Occupancy Tax program for the purposes of promoting, developing, and protecting the area’s tourism industry; and

WHEREAS, the concept of developing a Gateway/Commerce Center along the New York State Thruway in Ripley has been contemplated for many years; and

WHEREAS, millions of travelers annually traverse the New York State Thruway, and it has been recognized that this area is a prime location for the siting of such a facility; and

WHEREAS, Tamarac, a welcome/commerce center facility located in West Virginia which attracts hundreds of thousands of people annually, is a model to emulate here in Chautauqua County; and

WHEREAS, it is essential to undertake a study that will not only investigate the feasibility of establishing a Gateway/Commerce center, but will also result in the development of a conceptual plan that reveals the size, scope, and configuration of the facility along with cost estimates; and

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WHEREAS, such a study needs to be undertaken in order to convince stakeholders that such a facility is needed and feasible, and to seek funding to construct the facility; and

WHEREAS, Chautauqua County's tourism industry would benefit from supporting this effort as it will ultimately lead to significantly more tourists spending money in the County, and visitors being educated about what we have to offer, thus enticing them to spend time here; and

WHEREAS, as of August 2018, the balance of the 3% Occupancy Tax Reserve Account is \$105,758; and

WHEREAS, the Chautauqua County Department of Planning & Development is requesting \$45,000 of the 3% Occupancy Tax Reserve funding, which will be matched with \$5,000 of CCIDA funding, to contract with a firm to undertake the feasibility study; therefore be it

RESOLVED, That the Chautauqua County Legislature authorizes \$45,000 from the 2018 3% Occupancy Tax Reserve to undertake a feasibility study for the Ripley Gateway/Commerce Center; and be it further

RESOLVED, That the County Executive is authorized and empowered to enter into any and all contracts necessary to undertake a feasibility study for the Ripley Gateway/Commerce Center; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----883.0000	Fund Bal., Reserved Fund Bal. –	
	Reserve for Occupancy Tax	\$45,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following change to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6420.TOUR.4	Contractual – Promotion of Industry, Tourism	\$45,000
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Signed: Odell, Chagnon, Starks, Himelein, Muldowney, Gould

Unanimously Adopted – September 26, 2018

RES. NO. 221-18

Authorize Clerk of The Legislature to Publish Notices – Re: Public Hearings on 2019 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 2019 Tentative Budget and on the North Chautauqua Lake Sewer District and the Portland-Pomfret-Dunkirk Sewer District Assessment Rolls on Wednesday, October 24, 2018 at 2:00 P.M. and 6:30 P.M. in the Legislative Chambers, Gerace Office Building, Mayville, New York; and be it further

RESOLVED, That the Clerk of the Legislature be and hereby is authorized and empowered to advise in notice of public hearing on Tentative Budget that the 2019 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, Gould

Unanimously Adopted – September 26, 2018

REGULAR SESSIONS

RES. NO. 222-18

Authorize Transfer of Tax Foreclosure Property to Town of Ripley

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 110-17, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Ripley has requested that the County convey to the Town a tax delinquent property (SBL #240.11-1-21); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 240.11-1-21 to the Town of Ripley for \$9,751.01, with the Town responsible for any applicable real property taxes commencing with the 2018-19 school taxes; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Gould

Unanimously Adopted – R/C Vote: 19 Yes - September 26, 2018

RES. NO. 223-18

Authorize Transfer of Tax Foreclosure Property to Town of Chautauqua

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution 110-17, the County Legislature established a general policy regarding disposition of tax foreclosure parcels, but retained authority to impose special requirements, terms, and conditions for the sale of particular tax parcels and determine in its sole discretion to whom a particular tax parcel will be sold; and

WHEREAS, the Town of Chautauqua has requested that the County convey to the Town a tax delinquent property (SBL #246.13-4-1); therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the transfer of the County's property interest in tax parcel # 246.13-4-1 to the Town of Chautauqua for Six Hundred Two and 60/100 Dollars (\$602.60), with the Town responsible for any applicable real property taxes commencing with the 2018-19 school taxes; and be it further

RESOLVED, That the County Executive is hereby authorized to negotiate additional terms and conditions, enter into any necessary agreements, and execute all documents necessary to accomplish the aforementioned transaction.

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Gould

Unanimously Adopted – R/C Vote: 19 Yes - September 26, 2018

RES. NO. 224-18

Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-23-2018	C/Dunkirk	060300-79.14-5-61	MFN Enterprises LLC	\$1,000.00	\$ 4,197.94
PA-67-2018	C/Jmstn.	060800-370.19-1-5	MFN Enterprises LLC	\$9,000.00	\$ 1,891.89
PA-68-2018	C/Jmstn.	060800-370.19-2-21	MFN Enterprises LLC	\$ 1,000.00	\$ 5,469.47
PA-75-2017	C/Jmstn.	060800-387.06-5-38	MFN Enterprises LLC	\$ 50.00	\$ 3,208.05

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PA-83-2016	C/Jmstn.	060800-387.12-5-70	Irving L Leonard	\$ 50.00	\$10,306.98
PA-164-2014	C/Jmstn.	060800-387.25-1-38	Ronald Hultin	\$ 150.00	\$28,397.77
PA-165-2014	C/Jmstn.	060800-387.26-1-30	Margaret Kaltenmeir	\$ 200.00	\$ 5,907.29
PA-90-2015	C/Jmstn.	060800-387.26-4-50	MFN Enterprises LLC	\$ 4,620.00	\$12,966.73
PA-148-2018	C/Jmstn.	060800-387.26-4-51	MFN Enterprises LLC	\$ 6,380.00	\$ 3,139.33
PA-182-2018	Busti/Lakewood	062201-368.20-4-8	Daniel Dolan	\$ 3,407.00	\$ 9,170.08
PA-212-2018	Chaut./Mayville	062801-262.12-1-42	Mark Mitchener	\$14,500.00	\$ 4,117.88
PA-254-2018	Gerry	064489-302.00-2-43	Chris A Callen	\$ 4,200.00	\$ 3,484.55
PA-321-2018	Ripley	066200-240.12-3-43	Jonathan D Ribbing	\$ 600.00	\$ 2,963.20
			Total	\$45,157.00	\$95,221.16
	Amended Parcels				
PA-267-2018	Hanover	064689-49.03-1-41	Bernard Garrasi II	\$ 1,573.64	\$ 1,573.64
PA-329-2018	Sheridan	066400-48.00-2-83	Bernard Garrasi II	\$ 499.72	\$ 499.72
PA-330-2018	Sheridan	066400-48.00-2-84	Bernard Garrasi II	\$ 2,395.17	\$ 2,395.17
PA-171-2018	Arkwright	062000-131.00-2-8	STG Pomfret LLC	\$ 6,112.88	\$ 5,407.69
PA-280-2018	Pomfret	065801-130.02-2-2	STG Pomfret LLC	\$24,421.51	\$23,481.34
PA-285-2018	Pomfret	065889-114.00-3-36	STG Pomfret LLC	\$ 2,483.33	\$ 1,778.14
PA-286-2018	Pomfret	065889-114.00-3-44	STG Pomfret LLC	\$13,139.95	\$12,434.76
PA-287-2018	Pomfret	065889-114.00-3-45	STG Pomfret LLC	\$ 3,965.18	\$ 3,257.99
PA-288-2018	Pomfret	065889-114.00-3-46	STG Pomfret LLC	\$ 6,192.10	\$ 5,613.91
PA-291-2018	Pomfret	065889-131.09-1-10	STG Pomfret LLC	\$ 8,903.61	\$ 8,323.42
PA-327-2018	Sheridan	066400-114.00-1-42	STG Pomfret LLC	\$ 9,281.44	\$ 8,701.25
			Total	\$78,968.53	\$73,467.03

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Signed: Scudder, Davis, Muldowney, Starks, Chagnon, Muldowney, Gould (A.S. Himelein voting "no")

Adopted – R/C Vote: 18 Yes; 1 No (Himelein) - September 26, 2018

EMERG. RES. NO. 225-18

Accepting Donation of Water Bottle Refilling Stations from Chautauqua County Health Network (CCHN)

At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Health Network (CCHN) has available grant funds to assist the County in providing a healthy environment for employees, customers, and visitors to County facilities in Jamestown and Dunkirk, and must expend its grant monies prior to September 30, 2018; and

WHEREAS, CCHN and County officials have identified nine (9) locations for the installation of water bottle refilling stations in County facilities which can be funded by CCHN grant funds; and

WHEREAS, pursuant to County Law § 215, the County Legislature is authorized to accept gifts of real and personal property for lawful county purposes; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes the County Executive and the Department of Public Facilities to accept the donation from CCHN of water bottle refilling stations and associated parts necessary for their installation in County facilities.

Unanimously Adopted – September 26, 2018

REGULAR SESSIONS

EMERG. RES. NO. 226-18

Authorize Payment of \$75,000 for Settlement of Claim of Alice Stingel

At the Request of County Executive George M. Borrello:

WHEREAS, payment for the settlement of claims for amounts equal to or greater than \$25,000.00 require approval of the County Legislature pursuant to General Municipal Law § 6-n and Local Law 4-86 of the County of Chautauqua, as amended; and

WHEREAS, the County's insurance carrier and the County's Law Department have recommended settlement of the claim of Alice Stingel for the sum of \$75,000.00, of which the County will be responsible for the entire amount as the deductible under the insurance policy; therefore be it

RESOLVED, That the Chautauqua County Legislature approves the payment of \$75,000.00 to be paid out of the County's Liability and Casualty Reserve Fund for the settlement of the claim of Alice Stingel; and be it further

RESOLVED, That CS Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

CS.-----863.0000 Fund Balance, Reserved Fund Balance – Insurance Reserve 75,000

And be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

CS.1930.----4 Contractual – Judgments & Claims \$75,000

Unanimously Adopted – September 26, 2018

2nd Privilege of the Floor

My name is Bruce Roll, I live in Arkwright. I have a brief letter here to read in regards to some concerns about the Arkwright Summit Wind projects. I have provided copies of the letter to members of the Legislature along with information on harmful effects of ambient electro magnetic fields. This was a beautiful place to live, this was a healthy place to live, this was a peaceful place to live, this was a safe place to live, The essence of our Arkwright home has been destroyed and there is no end in sight for the continuation of this destruction in Chautauqua County, Western New York, and New York State. Arkwright residents are being sickened. Arkwright residents, entire families are being driven from their homes. The very people who have taken an oath to protect the health and welfare and wellbeing of all the residents of Arkwright, the Town Supervisor and Town Board have sold us out to Big Wind. They are not windmills, it is not a wind farm, and it's not a wind park. They are 500' industrial wind turbine towers, in appropriately and illegally sited in an AR1 agricultural residential district. The only wind farm is the space between someone's ears that believe these monstrosities are beautiful. The term "wind park" was created by the turbine developer. There are 9- 500' industrial wind turbines visible from our kitchen window. What we haven't seen are any eagles landing on our property since February 2017, when clear-cutting for the Arkwright Summit project began. We have not seen any eagles land in the Brainard Rd, Miller Road, Skinner Road block since 100' transmission line towers strung with 5 cables were erected last year. This was the first summer in 28 years that there were no bats flying in our yard. When the turbines were activated in recent weeks, we noticed unusual sounds inside our home. On one occasion, there was the sound like a jet engine near and another time there was a strong vibration humming sound permeating the entire house. The onset of headaches coincided with these incidents. Our beautiful, healthy, peaceful, safe place to live has been sold for the promise of a few dollars, our own taxpayer dollars no less. You must stop the industrialization and destruction of Charlotte, Cherry Creek, Cassadaga, Hanover, and Villenova by Cassadaga Wind LLC and Ball Hill LLC. Thank you.

My names is Carrie Ann Babcock and I am a resident of the Town of Arkwright. I have a letter that I have written. I was raised in Forestville and chose to make my home there as an adult due to the peace and tranquility of the countryside. My husband and I are both outdoor enthusiasts and have worked our whole adult lives to purchase our small little piece of heaven in Arkwright. We live in a double-wide manufactured home. It's not the Taj Mahal, but our decision to purchase our specific property was not based on the home itself, but rather the outdoor setting. I will never forget the evening that we were both outside and heard the windmills for the first time. There was a loud droning thrum in the distance. We both immediately developed a headache. I kept repeating to my husband, "That can't be the windmills, they are so loud, they told us they weren't going to make any noise and yes, it does sound like a jetliner. Except, it is not a jetliner that ever lands, but one that circles our home endlessly. On any windy day and especially when the wind is out of the south/southeast, my life is typified by headaches and nausea and I currently average about 6 hours of restless sleep a night. The thought of being sleep deprived for the next 25 years of my life is daunting. I want to move, but with the current amount due on our mortgage and what I suspect will greatly reduce property value, I think that will be impossible. Not to mention that it would be a ruse to bring a family to our house, on a non-windy day, in order to make the sale. I feel that it would be morally unconscionable to subject another human being, especially a child, to headaches and sleep deprivation. My husband and I are both environmentalists. We have devoted our careers as well as our private lives to environmental pursuits. We run our home on solar power and locally sourced firewood. Without proper sleep we cannot function 100% at our jobs and we spend less time outdoors engaging in our hobbies. There are people online that do not live in proximity to the windmills, who are currently admonishing the citizens of Arkwright for their complaints. The common phrase is, "well then what are we going to do to address climate change?" My answer is to put these things on vast expanses of agricultural land, not inhabited by people. Put them in old unoccupied industrial zones, such as they did on the Lake Erie shoreline in Lackawanna. This technology should not and does not need to be placed within an unsafe distance of a residence. We were told that we would save money on our taxes, while doing something good for the planet, in exchange for a small "whoosh" in the background. None of these things are true. Our home is forever changed. Please don't let them do this to your town. Thank you for your time.

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My name is John Conway. I'm reading this for a friend of mine who was not able to make it here tonight and he lives in Arkwright. Infrasound is a real thing. My family is affected by it. If you watch your loved one rolling around on the floor, grasping their head, begging it to stop, and the only thing you know how to do is get her in the car and take her two miles down the road. It is like her ears pop and it goes away. You may think, no way that this happens. It happened to me 12 times in the last 2 weeks. Twelve times in the last 2 weeks to my wife, who is probably one of the toughest people I know. Now if any man in this room can look at their wife, or their son or daughter and see this is affecting – see this – it's affecting little kids in Arkwright, four and five year olds, would anyone here be able to look at the loved one, watch them go through that. If I haven't known, I would have thought that my wife was having an aneurysm in that she was going to pass before me. It's against the law to assault people. It's against the law to assault animals, it's against the law to abuse children. RES, EDPR, and White(?) LLC are doing that day in and day out in Arkwright. They knew it. (*Inaudible*) had a turbine project (*inaudible*) are the saying, we have what it takes to take what you have. Everything you had ever worked for in your entire life means absolutely nothing to them. Thank you.

My name is Joni Riggle. Cassadaga Wind LLC asked to (*inaudible*) the public hearing and requested and expedited certificate of public convenience and necessity. We have asked for an evidentiary hearing to properly investigate the financial status of Cassadaga Wind before any tree clearing or issuance of a CPCN under PSL Section 68. It is only prudent. PSL Section 68 has a narrow focus primarily centered on the financial feasibility and resources of the projector developer. Since this important aspect is not vetted under the purview of Article 10, it should not have an expedited review under PSL 68, for the thorough review. Everpower Cassadaga Wind was recently sold to NRG(?) and NRG parent company financially troubled RWE is engaged in an unprecedented restructuring an asset swap with EON(?). These energy giants are Germany's equivalent to ENRON. Of concern, RWE has been teetering on the brink of bankruptcy. NRG is entangled dead center in this transition which is not to be finalized until the end of 2019. NRG is also expected to dissolve within a year or two. Who knows the outcome. This huge and risky transfer was not even mentioned by Cassadaga Wind when they petition for an expedited CPCN, a gross omission we think conveniently swept under the rug. You can read the petitions on the case record which detail the financial issues at stake. I have emailed all Legislators on how and where to post comments and thank you. If you have time to look at that, we really appreciate it.

My name is Marshall Greenstein from Cassadaga, Town of Charlotte. I was asked by Angelia Bitteringer who was unable to come and lives on Center Road in Arkwright to read something that she had presented to some of the town boards. She is working tonight so she is unable to be here. She says, "my home is a post card for what not to do. The wind turbines are terribly horribly loud. It depends on the day. Sometimes they are loud and sometimes they are not. I feel ashamed to say that I was convinced several years ago as a college student that wind turbines are green energy and we should support these. I did not know how big they were going to be and I certainly did not know how close. If you live through the construction phase as I did last year with my children, you will realize that there was nothing green about these things. Unfortunately we have been duped. The children have been impacted. I was offered \$45,000 for my house by an Arkwright Town Board member when he knew that I paid \$90,000 for it. What does that tell you about property values. I can walk away from this house and I'm considering it. So I can hurt my credit? Others can do that. The young families are going to desert these towns. I was told by a Town official that I had to hush up and play nice because the owner before me signed that agreement. Well, they can cancel my agreement. I would gladly give up the money. The agreement gives me – if I could get my peace and quiet back and she asks that you go to the Public Service Commission website and submit a statement on behalf of opposing the permit to Cassadaga Wind LLC."

On a personal note. It's very difficult for me to be here. I'm know that I'm timed but my wife and I, you may remember, Patty Greenstein. Pretty vocal about this. We're in the throes of this prospective event because we live on Hall Road and Cassadaga Road in Cassadaga and if anybody knows where that is, already engineers are there setting it up for the turbines and all of the construction to be right down our throats. Our little farm, our five acre farm that we work hard for, that we believe that we really are as green as we could be with room to grow, we grow our own vegetables, we have chickens, we take care of our property, we take care of our land and we have that for sale. After 31 years if you can appreciate the sentiments beyond the business aspect of all of this, people are losing out. You are going to lose people. You are going to lose people who will be here but in spirit. They will look at this County and say, they don't care about us. And when we talk about green, the last thought that I had and I don't know if it's ever been brought to anybody's attention but with all the turbine companies coming in, identifying people and places where they could have money so they can put the turbines on the roads on their property and such, what about being human? What about humanity? If we want to be green, then money shouldn't be a problem. We should just say, you know what folks, for the good of green energy for the whole country, for the whole world, why don't we just have us, the corporations for wind companies, turbine companies, just use your property at our will, put our turbines there, you don't need any money, but this is about money and this is about a few people who are now of like partisan politics. There are a few people who are getting monies, maybe not getting wealthy but getting monies and being pitted against their neighbors in the small rural town America. I don't know how many of you people live, Legislators live in rural areas, even see where we live. I remember when the pilot program first came up and I went to my first meeting and I invited them to come to see where it was going to go, I knew that they weren't going to come. So, where we always wonder from a human standpoint, humanities standpoint is, do people really care that there are folks out there whose homes are being (*inaudible*) properties, being devalued and decimated. Thank you.

My name is Anthony Toda, I live at 144 Clifton Avenue in Jamestown. I want to make a few comments about what happened concerning (*inaudible – to close to mic*), County Executive, Mr. Borrello, had gone to a 100, approximately 100 businesses and found that there were about 700 jobs available to people in Chautauqua County. Now that is about, according to the reports here, that's 100 out of 2,000 business so if you do a little math and I'm sure you're not going to get the totals (*inaudible*) but that would actually come to about 1,300 jobs. Subsequently, (*inaudible*) really has been done concerning jobs in Chautauqua County especially from where I am from, the City of Jamestown, I read an article in the Post Journal that said, under Mr. Borrello, going to have a commission or a study done before we can find out what actually has to be addressed. While Mr. Borrello addressed that during the campaign, on a hand-on (*inaudible*) and should be addressed right now. There is no excuse to belabor this to have a commission, to have a study with (*inaudible*) taxpayers money. Mr. Borrello (*inaudible*) find the stats out and talk to people directly and you can (*inaudible*) do that on a one to one basis. Now the problem with the unemployment especially in the City of Jamestown and you are talking about the budget here, probably the biggest draw in Chautauqua County is the Medicaid system and the biggest draw in the Medicaid system is the irresponsible action of Mayor Teresi when it comes to the influx, Social Services influx of entitlements in the City of Jamestown and rebuffing by the Mayor of jobs by raising taxes. Everything that comes into the area, Dunkirk is a good example, with the pharmacy factory, Lakewood is a terrific example, Harbour Freight, and nobody wants to come in the City of Jamestown because the Mayor has created a situation where taxes are so high that it's impossible for businesses or anybody in their right mind is not going to come in. Now, there has been a few things in the budget about this Mental Hygiene Association. People have to understand that it's a peer group. (*Inaudible.....*), if you want to have a State system. We have systems all over the State, Buffalo Psyc, if you want to complete those areas into drug facilities, you don't need to lose \$35 million, are you kidding me, of the taxpayers' dollars in the City of Jamestown after he's reported, the Mayor, reported a quarter of a billion dollars in receipts from Federal, State and private

funding. What has he done with that money? We're still poor... (*inaudible*.....) Jamestown dragging their feet. This is all about leadership and (*inaudible*) by the County with the Mental Health Association and something that is illegal and this is going to cost more government and more problems in the City of Jamestown.

My name is Margaret Bruegel, I live at 883 Hurbert Road in Forestville. I'm the owner of a small certified organic farm that is about to be in the middle of a large wind project. I have five turbines going in across the road from me. Three turbines going in, in back of my pastures. Transmission lines going in, in the field next to my pastures. A substation going in right across the road and two construction access roads on either sides of my house within a quarter of a mile. This project will devastate my farm. Thousands of pounds of pesticides, not pesticides, but herbicides applied to the land which will go into my water untestable. I will lose my certified organic status and I will be out of business. But I am not here for myself. I am here to speak on behalf of the Amish community in Chautauqua County. They represent a significant contribution to the culture and economy in this area. Their input on concerns have been largely ignored by the large corporate interest wanting to develop giant wind farms in our community. Yet their interests are no less important than any others expressed previously or here. Following are some concerns expressed some the Amish families in our area regarding this project. First they are concerned about the health of their families, their animals, and the life of their soils. They cannot grow healthy crops without a living soil. Safety is a major concern. As heavy construction traffic will create hardship and hazards for horses and buggies trying to navigate roads clogged with large equipment. Additionally, some have expressed concerns about safety of ice being thrown from turbine blades long distances in the winter time. They are concerned about loss of property values and land destructions if turbines are built close by to them. The Amish are religiously opposed to large scale wind turbines so constructing them on properties that they may wish to purchase in the future limits their ability to grow their communities. Finally, if the presence of large wind turbine causes fewer tourist to come into the area, negative economic impacts with affect their ability to conduct business. These are just a few of the concerns expressed amongst members of the Amish community. We ask that you take these concerns into consideration and request the New York State Public Service Commission to deny the request for an expedited certificate of convenience (*inaudible*) for the Cassadaga Wind project. Thank you.

Karen Eckstrom, Mayville, New York. We are here to tell you and to ask you to listen - to tell you about what the people in Arkwright are experiencing and to listen to them. Many of them couldn't come tonight. The young families, one has a boy that has his first football game tonight and others are working. The operation of these turbines in Arkwright began 3 weeks ago. The Arkwright experience is real time. It is live, it does not involve faraway studies. (*Inaudible*) projections or models. The turbines in operation in Arkwright provide an absolute reality of noise of infrasound, of bat and bird mortality. The health impacts of operating turbines in this area are reality on a projection. The studies that have been done were based on projections and long term studies far away. They were not based on real conditions in our area. If the Public Service Commission approves the Cassadaga Wind LLC petition, tree clearing will begin November 1st in the towns of Charlotte and Cherry Creek which includes Sinclairville, Stockton, and Arkwright. Our deadline in asking you to comment is October 8th. Those comments can come as citizens, citizens just like us, or as our representatives who we trust to please express an opinion that is much more knowing of the situation than some of the other people and will have more impact. We had a hearing not so long ago that the Public Service Commission held, case 18E0399 and you have the details on your desks and in your email, and at that hearing a person by the name of Lois Jackson, who couldn't be here tonight, spoke. She lives on Center Road in Arkwright and she asked me to read this for her tonight.

She said, "before the turbines were started, I was not concerned about the noise but that has all changed now. The noise changes. When it is bad, it's really bad. I have difficulty sleeping and we have ringing in our ears. But you know what, that is not the worse part. The worst part is that my four year old is really having a tough time with it. She's active, she's coordinated, she rides a pony, she is active in her tap dancing and ballet. The first time the turbines were loud, she said, my head hurts really badly and she threw-up. She had no fever, there was nothing wrong with her, as far as I could tell. The second time, she fell when she was getting out of bed in the morning. She said, I dizzy mommy. I gave her some juice and we sat on the couch and she got up to go to the bathroom. She fell on the floor. I asked her again, what's wrong and with tears streaming down her face, she said, mommy, those things just keep picking me up and throwing me around and around and I can't move right, I'm dizzy and my head hurts. She has no temperature, no sore throat, no ear infections, she is fine when we take her away when she goes to school but when we drive back home and we get near Center Road, she'll say mommy, I'm dizzy, I've got to get home fast, I'm going to throw-up and she does. Many of my neighbor's children are experiencing similar things here. Perhaps this will help others, who like me, did not realize this. This is not made up, it is real. It is a living nightmare. Please don't hurt our children like this." We ask you to please, look at the material we sent and make a comment as an individual with the decency in mind that we expect from people who understand that this is not in our best interest. Thank you.

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

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:44 p.m.)

JOURNAL OF PROCEEDINGS

Regular & Budget Meeting
Chautauqua County Legislature
Wednesday, October 24, 2018, 2:00 p.m. & 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 2:04 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: Himelein,
O'Connell)

Chairman Wendel: Each one of you has corrections to resolutions on your desks. As we move through the agenda this evening we would like to treat those corrections to the resolutions as typos with the exception of 229-18. So if you will take the time as we move forward to look those over, it's greatly appreciated.

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

MOVED by Legislator Nazzaro, SECONDED by Legislator Bankoski, the minutes were approved. (9/26/18)

Unanimously Carried

1st Privilege of the Floor

No one chose to speak at this time.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 9/26/18

INTRODUCTION OF JCC PRESIDENT
DANIEL DEMARTE
By
COUNTY EXECUTIVE'S ASSISTANT
DANIEL HEITZENRATER

Chairman Wendel: I'd like to duly note that Mr. Heitzenrater's tie is an alumni of JCC who's wearing colors but I would like to welcome President DeMarte. Welcome to the community and JCC has had a huge tradition in this community as a stellar institute of higher learning and I guarantee you that we feel confident that you will continue that role. So welcome to the community and thank you.

PUBLIC HEARING:

2019 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Chairman Wendel: We will now open up the public hearing on the 2019 tentative budget and sewer district assessment rolls. (2:12 p.m.) Is there anyone here to speak to the public hearing? Is there anyone here to speak to the public hearing? Seeing no one, we'll close the public hearing. (2:13 p.m.)

COMMUNICATIONS:

1. Proof of Publication – Public Hearings – 2019 Tentative & Sewer District Assessment Rolls
2. Letters (2) – County Executive – Appmts. To Airport Comm. & STERRA
3. Investment Reports (3) – Fn. Director Crow – July/August/September-2018
4. Letter – Planning Dir. McCord – Re: Leveraging Food System as a Catalyst or Economic Development
5. Letter – T. Atwell, EMT – Re: Concerns & Ideas Regarding Fly Car System
6. Letter – B. Catanese – Re: Concerns Regarding Fly Car System
7. Drescher & Malecki LLP - County Audit Year Ending 12/31/17
8. Chautauqua County 2019 Tentative Budget
9. Letter – D. Lessinger – Re: Concerns Regarding Fly Car System
10. Letter – T. Bunce – Re: Concerns Regarding Fly Car System
11. Letter – D.A. Swanson – Re: Copy of Attorneys (4) Oath of Office

RENEW & AMEND RES. NO. 210-18 – Establishment of Certified Ambulance Service
(See page 164 for text)

Amended by changing the effectiveness from January 1, 2018 to immediately.

Adopted w/ Legislator Odell voting "no" and Legislator Nazzaro recusing himself from vote.

REGULAR SESSIONS

RES. NO. 227-18

Confirm Appointment - Chautauqua County Airport Commission

By Public Facilities 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 Airport Commission.

Joe Gugino 5 Lowell Pl. Fredonia, N.Y. 14063 Term Expires: 12/31/19	Filling term of Jerry Park
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Signed: Hemmer, Nazzaro, Scudder, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 228-18

Confirm Appointment – Southern Tier Extension Railroad Authority Board of Directors

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature does hereby confirm the following appointment to the Southern Tier Extension Railroad Authority Board of Directors.

Jeff Gray 24 Whitehill Ln. Russell, PA 16345 Term Expired: 2/28/20	Filling Term of: Adam Gorczyca
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Signed: Odell, Chagnon, O'Connell

Unanimously Adopted – October 24, 2018

RES. NO. 229-18

Acceptance of Funds from NYSDOT for the Hangar J Door Replacement Design and Construction Project at the Chautauqua County/Jamestown Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County submitted to the New York State Department of Transportation ("NYSDOT") a project application and received a grant from the NYSDOT to pay 90% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Jamestown Airport: Hangar Door Replacement Project No. 5903.55 ("Project"); and

WHEREAS, the NYSDOT has approved the Project for the Chautauqua County/Jamestown Airport consisting of the Hangar Door Replacement, which is more fully described in the Project agreement; and

WHEREAS, the New York State Department of Transportation ("NYSDOT") is offering a grant for 90% of the of the eligible costs;
and

WHEREAS, funding shares for the Project are as follows:

State	\$ 271,800
Local	<u>\$ 30,200</u>
Total Project Costs	\$ 302,000

; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Airport; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That Chautauqua County enter into agreements with the NYSDOT for financial assistance for the Project described above at the Chautauqua County/Jamestown Airport; and be it further

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the NYSDOT in connection with this Project; and be it further

RESOLVED, That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----878.0000 Fund Balance, Reserved Fund Balance—Reserve for Capital \$ 30,200

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9 Interfund Transfer—Transfer to Capital \$ 30,200

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610..25009.4 Contractual— Hangar Door-JHW (2018) \$ 30,200
\$ 302,000

ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610..25009.R503.1000 Interfund Transfer – Interfund Transfer \$ 30,200
H.5610..25009.R359.7001 NYS Aid – Airport Capital Grants \$ 271,800
Total \$ 302,000

Signed: Hemmer, Nazzaro, Scudder, Gould (A.C. – Tabled)

MOVED by Legislator Chagnon to amend, SECONDED by Legislator Nazzaro. (Indicated by strikethrough and italics) *Unanimously Carried*

MOVED by Legislator Chagnon to TABLE, SECONDED by Legislator Nazzaro
Unanimously Carried

TABLED – October 24, 2018

RES. NO. 230-18

Acceptance of Funds from NYSDOT for the Replacement of Existing Bulk Hangar No. 3 and Construct Public Safety Hangar Project at the Chautauqua County/Dunkirk Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County submitted to the New York State Department of Transportation (“NYSDOT”) a project application and received a grant from the NYSDOT to pay 79% of the allowable costs incurred in accomplishing the following project at the Chautauqua County/Dunkirk Airport: Replace Existing Bulk Hangar & Construct Public Safety Hangar, Project No. 5905.94 (“Project”); and

WHEREAS, the NYSDOT has approved the Project for the Chautauqua County/Dunkirk Airport consisting of the Replace Existing Bulk Hangar No. 3, which is more fully described in the Project agreement; and

WHEREAS, the New York State Department of Transportation (“NYSDOT”) is offering a grant for 79% of the of the eligible costs; and

WHEREAS, funding shares for the Project are as follows:

State	\$ 456,620
Local	\$ 121,380
Total Project Costs	\$ 578,000

; and

WHEREAS, some of the local share contribution will be in the form of personal services and employee benefits; and

WHEREAS, the Airport Commission has considered and recommended that the County accept this funding as the Project is crucial for the operation of the Airport; therefore be it

RESOLVED, That Chautauqua County enter into agreements with the NYSDOT for financial assistance for the Project described above at the Chautauqua County/Dunkirk Airport; and be it further

REGULAR SESSIONS

RESOLVED, That the County Executive is hereby authorized to execute all necessary documents on behalf of Chautauqua County with the NYSDOT in connection with this Project; and be it further

RESOLVED That a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary documents in connection with this Project; and be it further

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.878.0000	Fund Balance, Reserved Fund Balance—Reserve for Capital	\$ 57,800
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Capital Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.9950.----.9	Interfund Transfer—Transfer to Capital	\$ 57,800
D.9950.----.9	Interfund Transfer—Transfer to Capital	\$ 63,580
	Total	\$121,380

DECREASE APPROPRIATION ACCOUNTS:

D.5110.----.1	Personal Services—Maintenance of Roads	\$ 38,148
D.5110.----.8	Employee Benefits—Maintenance of Roads	\$ 25,432
	Total	\$ 63,580

ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25008.4	Contractual— Bulk Hangar #3-DKK (2018)	\$578,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610. 25008.R503.1000	Interfund Transfer – Interfund Transfer	\$121,380
H.5610. 25008.R359.7001	NYS Aid – Airport Capital Grants	\$456,620
	Total	\$578,000

Signed: Hemmer, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – October 24, 2018

RES. NO. 231-18
Amend 2018 Budget for Public Facilities Airport Division

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some expenses in Public Facilities Airports Division are anticipated to exceed initial budgetary estimates, as well as some appropriations have a surplus; and

WHEREAS, the Public Facilities Airports Division will receive revenues below initial budget estimates; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.5610.5612.----.4	Contractual---Dunkirk Airport	\$40,000
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DECREASE APPROPRIATION ACCOUNTS:

A.5610.5610.----.1	Personal Services-Jamestown Airport	\$28,400
A.5610.5610.----.4	Contractual-Jamestown Airport	\$31,600
	Total	\$60,000

DECREASE REVENUE ACCOUNT:

A.5610.5612.R177.0000	Departmental Income:Fees & Rental:Airport	\$20,000
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Signed: Hemmer, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – October 24, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 232-18

Amend 2018 Budget for Environmental, Public Facilities Road, and Public Facilities Road Machinery Divisions

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some expenses in Environment, Public Facilities Road, and Public Facilities Road Machinery divisions are anticipated to exceed initial budgetary estimates; and

WHEREAS, some revenues in Environment, Public Facilities Road, and Public Facilities Road Machinery divisions are anticipated to exceed initial budgetary estimates; and

WHEREAS, some revenues received and recorded in 2017 are associated with costs incurred in 2018; now therefore be it

RESOLVED, That D and DM Fund Balances are appropriated as follows:

INCREASE THE USE OF FUND BALANCES:

D.-----915.0000 Fund Balance—Assigned/Unappropriated Fund Balance	\$461,700
DM.-----915.0000 Fund Balance—Assigned/Unappropriated Fund Balance	<u>\$262,000</u>
Total	\$723,700

; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

D.5112.391.4	Contractual - Highway Improvements	\$700,000
D.5142.----.4	Contractual - Snow Removal: Co Roads	\$500,000
DM.5130.----.4	Contractual - Road Machinery	\$150,000
DM.5130.----.4	Contractual - Road Machinery	\$180,000
DM.5130.----.4	Contractual - Road Machinery	\$100,000
EL.8160.7000.4	Contractual - Environment-Recycling	\$50,000
	Total	\$1,680,000

DECREASE APPROPRIATION ACCOUNTS:

D.5010.----.1	Personal Services - Public Facilities Admin	\$10,000
D.5010.----.4	Contractual - Public Facilities Admin	\$10,000
D.5110.----.4	Contractual - Maintenance of Roads	\$50,000
	Total	\$70,000

INCREASE REVENUE ACCOUNTS:

D.5110.----.R270.1000	Miscellaneous--Refunds: Prior Yr Exp	\$30,000
D.5112.390.R358.9003	New York State Aid--Marchiselli Funds	\$143,985
D.5112.390.R458.9002	Federal Aid--Surface Transp Program	\$879,315
DM.5130.----.R230.0DIE	Shared Services--Chrgs: Diesel	\$55,000
DM.5130.----.R230.0GAS	Shared Services--Chrgs: Municipal Gas	\$25,000
DM.5130.----.R280.1DIE	Miscellaneous--Interfund Rev: Diesel	\$13,000
DM.5130.----.R280.1GAS	Miscellaneous--Interfund Rev: Gas	\$75,000
EL.8160.7000.R213.0700	Departmental Income--Chrgs: Recyclables	\$50,000
	Total	\$1,271,300

DECREASE REVENUE ACCOUNT:

D.5142.----.R496.0000	Federal Aid--FEMA Disaster Reimbursement	\$385,000
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Signed: Hemmer, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – October 24, 2018

RES. NO. 233-18

Adjust DPF Large Equipment Capital Account

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, funds realized from the sale of surplus equipment will generate a surplus to the DPF large equipment revenue account;
and

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

REGULAR SESSIONS

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

H.5130.626.4 Contractual---Road Machinery, DPF Large Equipment Annual \$16,000

INCREASE REVENUE ACCOUNT:

H.5130.626.R266.5000 Sale of Property/Compensation-Sale of Equipment \$16,000

Signed: Hemmer, Nazzaro, Scudder, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – October 24, 2018

RES. NO. 234-18

Approving Consolidation of Vital Statistics Registrar Districts Between Town of Westfield and Village of Westfield

By Administrative Services Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Westfield adopted a resolution on October 3, 2018 approving the consolidation of the Town of Westfield and the Village of Westfield into one primary Vital Statistics Registration District; and

WHEREAS, the Village of Westfield also adopted a resolution on September 17, 2018 approving the consolidation; and

WHEREAS, Section 4120 of the Public Health Law requires the approval of the legislative body of the county where such vital statistics districts are located; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the consolidation of the Town of Westfield and the Village of Westfield Vital Statistics Registration Districts into one District (675); and be it further

RESOLVED, That certified copies be forwarded to the Town of Westfield and the Village of Westfield.

Signed: Scudder, Davis, Muldowney

Unanimously Adopted – October 24, 2018

RES. NO. 235-18

Authorize Memorandum of Understanding and Confidentiality Agreement with NY State Office of Mental Health

By Public Safety Committee:

At the Request of County Executive George M. Borrello:

WHEREAS, Section 208 of the Correction Law allows the transfer of custody of inmates from a local correctional facility to the NY State Office of Mental Health (OMH) during the inmate's stay at a facility operated or licensed by the OMH; and

WHEREAS, OMH has created a procedure to transfer custody from Chautauqua County to OMH in the form of a Memorandum of Understanding (MOU) and Confidentiality Agreement; and

WHEREAS it is in the best interest of the County to enter into the MOU and Confidentiality Agreement; it is hereby

RESOLVED, That the County Executive is authorized to enter into the MOU and Confidentiality Agreement with the NY State Office of Mental Health.

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford

Unanimously Adopted – October 24, 2018

RES. NO. 236-18

Emergency Management Performances Grant for Fiscal Year 2018

By Public Safety and Audit & Control Committees:

At the Request of County Executive George M. Borrello:

WHEREAS, the Office of Emergency Services was awarded funds from the New York State Division of Homeland Security and Emergency Services in the total amount of \$110,196.00 with a fifty percent (50%) in kind match from the County in the amount of \$55,098.00; and

WHEREAS, the grant is to help manage daily Emergency Management functions and to enhance planning, training, exercises, public preparedness, emergency alert and notification systems; and

JOURNAL OF PROCEEDINGS

WHEREAS, the grant period runs from October 1, 2017 through September 30, 2019, or may be amended; and

WHEREAS, the expenses and revenues for the grant agreement are within the financial parameters of the proposed 2019 County budget; now therefore be it

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

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

Unanimously Adopted – October 24, 2018

RES. NO. 237-18
State Homeland Security Program for Fiscal Year 2018

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

WHEREAS, the grant period runs from September 1, 2018 through August 31, 2021, 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, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 238-18
Fiscal Year 2018 Hazardous Materials Emergency Preparedness (HMEP) Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County and its regional partnership were awarded funds of \$15,516.00 under the FY 2018 Hazardous Material Emergency Preparedness (HMEP) Grant Program, funded by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) and administered by the NYS Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, the HMEP planning grants are used to develop, improve, and implement emergency plans; determine flow patterns of hazardous materials within a state and between states; and determine the need within a state for regional hazardous materials emergency response teams; and

WHEREAS, the grant period runs from October 1, 2018 through September 30, 2019, and 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, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 24, 2018

REGULAR SESSIONS

RES. NO. 239-18

Authorize Execution for New York State Office of Homeland Security Grant for Public Safety Answering Point (PSAP) FY 18

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Office of Homeland Security approved the application submitted to the Office of Homeland Security and Emergency Services Program Grant for the further implementation of the Public Safety Answering Point (PSAP); and

WHEREAS, the State of New York will provide funding in the amount of \$174,353.00 with no local funds required for the contract period from January 1, 2019 to December 31, 2019; and

WHEREAS, this grant is included in the 2019 budget; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Office Homeland Security.

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

Unanimously Adopted – October 24, 2018

RES. NO. 240-18

Authorize Execution for New York Governor's Traffic Safety Committee Grant for the Highway Safety Program FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Sheriff received notice the State of New York Governor's Traffic Safety Committee has approved the application submitted for the Highway Safety Program; and

WHEREAS, the State of New York will provide funding in the amount of \$65,984.00 for the contract period from October 1, 2018 to September 30, 2019; and

WHEREAS, it is anticipated that the grant funds will not be used during the 2018 budget period so no budget adjustments will be required at this time; now therefore be it

RESOLVED, That the Chautauqua County Executive is authorized to execute the appropriate agreement with the New York State Governor's Traffic Safety Committee.

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

Unanimously Adopted – October 24, 2018

RES. NO. 241-18

Authorize Acceptance of Forfeiture Funds Held by the District Attorney

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office periodically receives a share of forfeited funds seized by police agencies within Chautauqua County which constitute the criminal proceeds of crime; and

WHEREAS, the District Attorney's Office holds these funds in a Forfeiture Account for designated "law enforcement use" by the District Attorney's Office; and

WHEREAS, the District Attorney's Office periodically identifies permissible law enforcement expenditures that will enhance the District Attorney Office's prosecution function; and

WHEREAS, the District Attorney's Office has received a Violence Against Women (VAWA) grant which has a budgetary component to purchase equipment but requires a twenty-five percent (25%) match; now therefore it is

RESOLVED, That the County of Chautauqua hereby accepts forfeiture funds in the amount of FOUR THOUSAND TWO HUNDRED SIXTY SIX DOLLARS and 61/100 (\$4,266.61) from the District Attorney's Forfeiture account to cover the required twenty-five percent (25%) match; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following budgetary adjustments to the 2018 Budget:

JOURNAL OF PROCEEDINGS

INCREASE APPROPRIATION ACCOUNT:

A.1165.----.2	Equipment – District Attorney	\$4,267
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INCREASE REVENUE ACCOUNT:

A.1165.----.R262.5000	Fines & Forfeitures - Forfeiture Crime Proceeds	\$4,267
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 242-18

Acceptance of Health Resources and Services Administration (HRSA) Grant

By Legislator David Wilfong and Audit & Control Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Department of Mental Hygiene has been awarded a Health Resources and Services Administration (HRSA) grant to structure a framework for increasing collaboration across the continuum of care; and

WHEREAS, the grant covers the period of September 30, 2018 through September 29, 2019 and the maximum amount of funding over the term of the grant is \$200,000 to be distributed as follows: \$50,000 in 2018 and \$150,000 in 2019; and

WHEREAS, the Chautauqua County Department of Mental Hygiene will continue increasing collaboration across the continuum of care to complete five core activities: develop and strengthen the consortium; conduct a detailed analysis of opportunities and gaps regarding opioid use disorder in Chautauqua County; and complete strategic, workforce, and sustainability plans to address major capacity and planning needed for effective implementation of opioid use disorder prevention treatment and recovery services; now therefore be it

RESOLVED, That Chautauqua County accepts the Health Resources and Services Administration grant in the amount of \$200,000; and be it further

RESOLVED, That the County Executive is hereby authorized to enter into agreements including those with various government and municipal entities, but not limited to local school districts, towns, cities and villages, to effectuate the terms of the grant; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE REVENUE ACCOUNT:

A.4320.----.R449.0000	Federal Aid—Federal Aid-Ment Hlth	\$50,000
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INCREASE APPROPRIATION ACCOUNT:

A.4320.----.4	Contractual—Mental Hygiene Programs	\$50,000
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Signed: Wilfong, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 243-18
Close Capital Projects

By Planning and Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the following capital project has been completed and can be closed:

H.6420.531	Chadwick Bay Ind Park Imp (1994)
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; now therefore be it

RESOLVED, That the Director of Finance close the capital project listed above, and reconcile, post adjustments and begin capitalization as necessary; and be it further

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

Signed: Odell, Chagnon, O'Connell, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – October 24, 2018

REGULAR SESSIONS

RES. NO. 244-18

Authorize Application for Grant Funding from the New York State Department of Agriculture and Markets to Update the Chautauqua County Agriculture and Farmland Protection Plan

By Planning and Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Sixty-one percent of land in Chautauqua County is designated as prime farmland and a total of 1,515 active farm operations make up thirty-five percent of total land area in the County; and

WHEREAS, the current Chautauqua County Farmland Protection Plan was adopted in September of 2000 and reflects agricultural and economic information that is outdated and no longer useful; and

WHEREAS, Chautauqua County's agricultural industry and agricultural markets have changed over the past eighteen years, creating new and evolving challenges, and

WHEREAS, the Chautauqua 20/20 Comprehensive Plan prioritizes strategies to protect and support the County's agricultural resources and economy and to promote agri-tourism and alternative enterprises that support the viability of farms; and

WHEREAS, the New York State Department of Agriculture and Markets makes available to counties grants of up to \$50,000 to develop new farmland protection plans or update farmland protection plans that were approved ten or more years ago; and

WHEREAS, the Chautauqua Region Community Foundation has pledged \$30,000 towards the required match for this important project; and

WHEREAS, Chautauqua County's Cornell Cooperative Extension and the Division of Planning and Community Development are collaborating to provide the balance of the local match in staff time; and

WHEREAS, in order to apply for funding from this grant, the County is required to authorize the submission of an application; therefore be it

RESOLVED, That the County is authorized to submit an application for funding for County Agriculture and Farmland Protection Planning Grants from the New York State Department of Agriculture and Markets; and be it further

RESOLVED, That the County Executive is hereby authorized and empowered to execute any and all documents associated with the application for funding for County Agriculture and Farmland Protection Planning Grants from the New York State Department of Agriculture and Markets.

Signed: Odell, Chagnon, O'Connell, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 245-18

Authorize Lease Agreement for Department of Planning and Development at Welch Foods Building in Westfield, New York

By Planning and Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County has 42 municipalities located across approximately 1,100 square miles; and

WHEREAS, the Chautauqua County Department of Planning and Development (CCDPD) collaborates with municipal entities on a wide variety of projects and initiatives; and

WHEREAS, Chautauqua County's municipalities benefit from having a technical resource available to support their efforts to improve their communities, implement their land use efficiently and secure grant funding; and

WHEREAS, the establishment of an office location within our villages and towns will provide easier access to the majority of CCDPD's municipal customers; and

WHEREAS, the Village of Westfield has exhibited itself as a community that is growing and is located strategically in the western quadrant of the County; and

WHEREAS, the Town of Westfield has been actively attempting to develop the Welch Foods Building at 2 South Portage Street in the Village of Westfield, a cornerstone within the community; and

WHEREAS, Welch Foods has agreed to lease 1,441 square feet of office space to Chautauqua County at a rate of \$916.67 per month, which will include heat and electric; and

WHEREAS, CCDPD will terminate its lease with the County of Chautauqua Industrial Development Agency at 201 W. Third Street, Jamestown, New York; therefore be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County Executive is hereby authorized and empowered to negotiate and enter into a lease with the Town of Westfield for office space at 2 South Portage Street, Westfield, New York on substantially the following terms and conditions

1. Premises: 1,441 square feet at Welch Foods Building, 2 South Portage Street, Westfield, New York.
2. Rent: A monthly rate of \$916.67.
3. Utilities: Landlord to pay for heat and electric; County to pay for telephone and Internet.
4. Term: commencing on November 1, 2018, and terminating July 31, 2020.
5. Other: As negotiated by the County Executive.

; and be it further

RESOLVED, That the County Executive is hereby authorized to terminate the lease agreement between Chautauqua County and the County of Chautauqua Industrial Development Agency

Signed: Odell, Chagnon, O'Connell, Muldowney, Nazzaro, Niebel, Gould

Unanimously Adopted – October 24, 2018

RES. NO. 246-18
Quit Claim Deeds

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-77-2017	C/Jmstn.	060800-387.08-1-8	Peggy M Harris	\$ 1.00	\$ 8,888.41
PA-163-2014	C/Jmstn.	060800-387.25-1-34	Royal Housing LLC	\$ 10.00	\$ 18,729.30
PA-246-2018	Ellington	064000-272.04-1-45	Thomas & Cleone Fox	\$ 2,101.00	\$ 5,434.87
			Total	\$ 2,112.00	\$ 33,052.58

Signed: Scudder, Davis, Muldowney, Chagnon, Nazzaro, Niebel, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - October 24, 2018

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford to recess until 6:30 p.m. – *Unanimously Carried (2:23 p.m.)*

RECESS LEGISLATURE MEETING UNTIL 6:30 P.M.

6:30 P.M. RECONVENE LEGISLATURE MEETING

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

Clerk Tampio called the roll and announced a quorum present. (Absent: Himelein, O'Connell)

PUBLIC HEARING:

2019 TENTATIVE BUDGET & SEWER
DISTRICT ASSESSMENT ROLLS

Chairman Wendel: We will now open up the public hearing on the 2019 tentative budget and sewer district assessment rolls.(6:32 p.m.) Is there anyone here to speak to the public hearing? Is there anyone here to speak to the public hearing? Seeing no one, we'll close the public hearing. (6:33 p.m.)

REGULAR SESSIONS

RES. NO. 247-18

Consider 2019 Tentative Budget, with the Changes Listed Below, and Present Same to the County Executive for His Consideration and Action

By Audit & Control Committee:

At the Request of Legislators Chagnon, Gould, Niebel, Muldowney, Nazzaro:

WHEREAS, the Chautauqua County Legislature has received the County Executive's 2019 Tentative Budget and the Audit & Control Committee has reviewed the budget and has recommended changes to the tentative budget; therefore be it

RESOLVED, That the 2019 Tentative Budget, with the changes listed herein, be presented to the County Executive for his consideration and action:

INCREASE APPROPRIATION ACCOUNTS:

A.1162.1120.1	Personal Services - Conflict Administrator	\$79,616
A.1162.1120.8	Employee Benefits - Conflict Administrator	\$28,839
A.1185.----.1	Personal Services - Med Examiners & Coroners	\$34,270
A.1185.----.8	Employee Benefits - Med Examiners & Coroners	\$3,485
A.3110.----.8	Employee Benefits - Sheriff	\$260
A.3110.GRNT.1	Personal Services - Sheriff-Grants	\$43,701
A.3110.GRNT.8	Employee Benefits - Sheriff-Grants	\$18,936
A.3140.----.1	Personal Services - Probation	\$108,296
A.3140.----.8	Employee Benefits - Probation	\$49,567
A.3989.----.1	Personal Services - Emergency Medical Service	\$132
A.3989.----.8	Employee Benefits - Emergency Medical Service	\$1,346
A.4017.JAIL.1	Personal Services - Clinics-Jail	\$20,148
A.4017.JAIL.4	Contractual - Clinics-Jail	\$10,292
A.4017.JAIL.8	Employee Benefits - Clinics-Jail	\$7,271
A.4320.----.4	Contractual - Mental Hygiene Programs	\$150,000
A.6123.RTA.1	Personal Services - Juvenile Delinquent Care-Raise the Age	\$76,696
A.6123.RTA.8	Employee Benefits - Juvenile Delinquent Care-Raise the Age	\$44,806
A.6420.TOUR.4	Contractual - Promotion of Industry--Tourism	\$21,600
A.8020.WTRS.4	Contractual - Planning-Watershed Administration	\$14,400
D.5112.391.4	Contractual - Capital Improvements-Highway Improvements	<u>\$223,513</u>
	Total	<u>\$937,174</u>

DECREASE APPROPRIATION ACCOUNTS:

A.1162.1120.4	Contractual - Conflict Administrator	\$130,154
A.1185.----.4	Contractual - Med Examiners & Coroners	\$15,000
A.1450.----.4	Contractual - Board of Elections	\$250
A.3110.----.1	Personal Services - Sheriff	\$1,156
A.3150.----.4	Contractual - Jail	\$10,292
A.3989.EMS.1	Personal Services - Emergency Medical Service-EMS Fly Car Prgm.	\$61,642
A.3989.EMS.8	Employee Benefits - Emerg. Medical Services -EMS Fly Car Prgm.	\$156,387
A.6010.----.1	Personal Services - Social Services Admin	\$97,714
A.6010.----.4	Contractual - Social Services Admin	\$272,814
A.6010.----.8	Employee Benefits - Social Services Admin	\$56,139
A.6140.----.4	Contractual - Safety Net	\$400,000
A.9950.----.9	Interfund Transfers - Transfer to Capital	\$100,000
D.5112.390.4	Contractual - Capital Improvements-County Bridge Program	<u>\$223,513</u>
	Total	\$1,525,061

INCREASE REVENUE ACCOUNTS:

A.1162.1120.R308.9000	New York State Aid - Other State Aid	\$65,147
A.3110.GRNT.R338.9000	New York State Aid - Other Public Safety	\$65,984
A.4320.----.R449.0	Federal Aid - Federal Aid--Ment Hlth	\$150,000
A.6123.RTA.R362.3000	New York State Aid - Juvenile Delinquent	\$121,502

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A.6420.TOUR.R111.3000	Non Property Tax Items - Hotel Room Occupancy Tax	\$21,600
A.8020.WTRS.R111.3000	Non Property Tax Items - Hotel Room Occupancy Tax	<u>\$14,400</u>
	Total	\$438,633

DECREASE REVENUE ACCOUNTS:

A.3989.EMS.R158.9100	Departmental Income - Other Public Safety Income-Medicare Payments	\$29,365
A.3989.EMS.R158.9107	Departmental Income - Other Public Safety Income-Paramedic Health Care	\$188,664
A.6010.----.R361.0000	New York State Aid - Social Services Admin	\$100,000
A.6010.----.R461.0000	Federal Aid - Social Services Admin	\$82,038
A.6140.----.R364.0000	New York State Aid - Safety Net	\$112,000
A.6140.----.R464.0000	Federal Aid - Safety Net	\$4,000
A.6420.----.R122.0000	Departmental Income - Occupancy Tax Admin Fees	\$21,600
A.8020.----.R122.0000	Departmental Income - Occupancy Tax Admin Fees	\$14,400
A.8730.----.R265.2000	Sale of Property/Compensa - Sale of Forest Projects	<u>\$11,000</u>
	Total	\$563,067

; and be it further

RESOLVED, That exhibits and schedules presented in the 2019 Tentative Budget be modified as necessary to reflect the above amendments; and be it further

RESOLVED, That the 2019 Tentative Budget as amended above by the Legislature's Audit & Control Committee reflects the Real Property Tax Levy at \$61,911,147 and an estimated Full Value Rate of \$8.38.

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent – October 24. 2018

2nd Privilege of the Floor

Mr. Anthony Toda, I live at 144 Clifton Avenue in Jamestown. I want to comment about an article that was in today's paper and it happened that I was talking about the same thing at the last meeting concerning jobs. Now, when Mr. Borrello was elected he went out and obviously did a survey and there were 100 jobs available. That was proven. So that means, in the limited survey that he did there were probably thousands of jobs available in Chautauqua County. Now about 10 months after those, there have been several excuses, not only from the Executive but also from others, slowing this process down for people trying to get to work here or who do not want to go to work. (*Inaudible*) two general categories. The first category is, no educational or vocational training. Secondly, couldn't pass a drug test, third there was a transportation issue and the second category is now a consulting firm paid for by the taxpayers has not completed Phase I of a developing an economic alliance as today's paper stated. Eventually people besides myself are going to wonder why delays are occurring and why a consultant group, paid by the taxpayers, needs to be contracted to correct an issue that Mr. Borrello has already single handedly addressed and solved in part earlier this year. According to Mr. Borrello the jobs are already out there including blue collar jobs. What has happened here in Chautauqua County has received millions to address joblessness and homelessness but our representatives are using the money not to solve the problem but to create a massive (*inaudible*) structure comprising the business of welfare where there is a reliance on many public jobs. We are focused on increasing the support system which increases welfare and not enforcing welfare job requirements to reduce dependency. The reason I believe that is because such a huge system has developed. You are going to threaten a lot of public jobs if you reduce this type of system. How would I or how do I think the problem should be addressed? First you have to attack the problem directly not by contracting a specific group. People have been talking about education, we need to specify education in high school that's only going to cost time and money. It's not going to give kids a well-rounded education so they have an opportunity to address a wider range of jobs when they get out there in the market. Secondly, the people that need vocation or like vocational training, like in the (*inaudible*) system, the money should be placed there. The third issue was the CARTS system where people use a poor excuse that they can't get jobs. I have been on CARTS buses for years all over the County and I know that those buses are under - there are not many people at all on them. If there is five, including myself, or less in many of those CARTS buses, that is a lot of people. There is a lot of room in the CARTS busses, the CARTS bus can be deployed to solve a problem for people trying to use the poor excuse that they don't have transportation. In (*inaudible*) position of job hunting, application, and follow-up so welfare recipients get jobs, there is job training out there. One more thing if I'm running out of time here. If anybody fails a drug test anywhere in the State, they should lose benefits. We (*inaudible*) paid taxes to subsidize a drug trade and the drug business in New York State. So if somebody uses the excuse that they flunked the drug test, they should not get benefits and last, we'll have a constitutional imbalance of residential policies (*inaudible*) that favors welfare and discriminates against the taxpayer. Thank you.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing no one, I'll close the 2nd privilege of the floor and we need a motion to adjourn.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried to adjourn. (6:52 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, November 28, 2018, 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present. (Absent: Pavlock, Rankin)

Legislator Chagnon delivered the prayer followed by the Pledge of Allegiance.

Chairman Wendel: If we could please, I would like everyone to remain standing to give a moment of silence for Henry R. Weiler, known to many, particularly his family, as "Ike" and who served two terms as Chautauqua County Clerk from 1986-1993. Later in his career, he was an employee of the 8th Judicial District while working here in Chautauqua County Supreme Court Chambers based in Mayville. Thank you.

MOVED by Legislator Bankoski SECONDED by Legislator Wilfong, the minutes were approved. (10/24/18)

1st Privilege of the Floor

My name is Peggy Newell and I live at Chautauqua Place in Celoron, Burtis Bay section in Chautauqua Lake. The section that was deeply affected by the fish kill and seaweed vegetation build up that occurred in early November of this year. On behalf of the residents in this area we would like to thank the Alliance and this Legislature for their support in addressing this problem. While we were hopeful that the cleanup would be done this fall, Mother Nature had other ideas. It is our understanding that this cleanup will happen in the spring. It's imperative that it be done immediately after the ice is out of the southern basin in order to remove this decaying weed and the staggering number of dead fish that are entangled in the masses found along our shore. It is already starting to breakdown turning into muck. With this decomposition an alarming amount of phosphorus is being added to the lake. If this vegetation is not removed as soon as the weather breaks in the spring, the potential for it to become a health risk to the residents is a definite concern, not to mention the adverse and long term effects to our lake. With money from the County and the generous donations from the Sheldon Foundation and the Chautauqua Region Community Foundation, the funding will hopefully be in place for an early spring cleanup. A total bit of over \$73,000 has been submitted by the Chautauqua Lake Association in order to handle this cleaning, that's a lot of money. We're hopeful that over the winter, due diligence will be done and a specific and effective plan will be readied so that as soon as the ice is out, cleanup can begin. We are also hopeful that this money will be wisely and efficiently spent doing a complete cleanup in the designated areas. We, government, the organizations working on and for the lake, the residents, we all should be concerned about the health of Chautauqua Lake. What has happened in Burtis Bay this fall is something that we should all be very concerned about. The future of our County is closely tied to the future and the quality of Chautauqua Lake. We all need to be stewards of our lake. We look to our County and other government officials as well as to the alliance to lead us in looking for long term solutions. Something needs to be done to ensure the future of our lake. If not, we may look back on this time as the beginning of the end of Chautauqua Lake. Thank you.

My name is Kristen Lee Yaw and I'm here on behalf of the Jamestown Bar Association with regard to the request to permit four Assistant District Attorneys to reside in adjoining counties. I am not here with a formal opinion of the Bar Association because we didn't know some of the items that were cited by District Attorney Patrick Swanson at the meeting of the Public Safety Committee on November 14th. So to address a couple of those points. He said that he hasn't received a lot of applications. The Jamestown Bar Association has not received a posting from the District Attorney's office since December of 2016. We regularly post them for Health and Human Services, the Public Defender's office, and Law New York. In addition, our membership, in the minutes it was stated that the North County Bar had 15 to 20 active members. I reached out prior to appearing this evening and they have approximately 50. The Jamestown Bar Association he stated had 30 active members and we have approximately 120. The pictures that are hung around that you can see at the Bar Association are not representative of the members. That's if you want your picture taken and to be included. That's how you get on that. In addition, not all of the practicing attorneys in Chautauqua County are members of either the North County Bar Association or the Jamestown Bar Association. To be fair, some are members of both. So, the 120 and the 50 may have some duplicates but it's also leaving some practitioners out. There was also a conversation about not being able to bring practitioners from private practice to the County. I'm a private practice attorney and what I actually see happening is a lot of our private practice attorneys are going to the County. Things like health insurance are a huge bonus. In addition, I personally practice in Real Property law and we do have people moving here and looking for jobs here. I don't know why he's not reaching beyond just us, if he was reaching to us, I think that would be beneficial but beyond that posting that outside. Actually a lot of attorneys get a New York State license because New York State law is relevant everywhere. Additionally, we would love to have obviously job postings from the District Attorney's office but also we're trying to partner and continue to partner with the Higher Learning, Fredonia State, and U.B., in trying to bring in interns just to keep people generally interested in legal practice but also to tie future attorneys to opportunities here. Chautauqua County is a great place to live, you can make some money and live really well down here as an attorney so we'd love to work with the District Attorney's office in helping bring young talent and also established talent into our Bar Association and into our County. Thank you.

My name is Mike Newell and I live on Chautauqua Place in Celoron, New York, with my wife Peggy who spoke earlier. I wish to echo my wife's previous thanks and comments while adding the following. While the fish kill may have been an unusual and painful event, the continuing buildup of floating weeds along lake shorelines during the September through October timeframe happens every year. Sometimes in greater amounts as it did this year, sometimes less, but always significant. Significant because all the weed that floats into a shoreline after the last cleanup of that shoreline, lays there decomposing until the start of the shoreline cleanup operations in mid-June of the following year. By that time, it is greatly decomposed. When examined lake wide, this results in very significant amounts to sediment and phosphorus being added to the lake which in turn feeds more weeds and harmful algae blooms. When the 2012 total maximum load for phosphorus in Chautauqua Lake document was prepared by the EPA and the DEC, it states, approximately 3,300 pounds of wet plants needs to be harvested to remove one pound of phosphorus. On the surface it sounds like a lot of weeds until you take time to actually do the math for the master weeds that currently exists along the shorelines and the areas by the Chautauqua Harbor Hotel. I won't go through all the math and bore you with it but if allowed to full decompose it would add well over a thousand pounds of phosphorus to the lake and a pound of phosphorus will feed 500 pounds of algae. So, I hope that we have all learned the painful but valuable lesson from this event. One, if we are

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really serious about reducing the phosphorus loading then the active lake management season needs to start earlier in the spring and extend well into the fall. Two; we should be thinking outside of the box for ways to help keep floating weeds from reaching our shorelines in the first place. We should be improving currently management techniques and adding new tools to help manage the invasive weeds in our lake. Whatever entity is ultimately chosen to perform cleanup of this mass of weeds and dead fish in the spring, I will echo what my wife said, it must be ready to begin as soon as the ice is out of the south basin so that further decomposing of the material is minimized. Thank you very much for your time and attention.

My names is Paul Johnson, I live in Bemus Point and I am here tonight representing the Chautauqua Lake Partnership. The Chautauqua Lake Partnership helped Burtis Bay residents bring the lake bottom to surface weed mass to the attention of the DEC on October 16th. When the situation, with many thousands of fish, of all types, were trapped against the shoreline, the Partnership brought this unfortunate and unnecessary environmental tragedy to the attention of the New York State DEC on November 5th, and to the attention of the Chautauqua Lake and Watershed Alliance on November 8th. The Jamestown Post Journal ran a front page story on November 9th and an onsite meeting was organized including the New York State DEC on November 13th. We are very pleased that the Alliance has organized funding for a cleanup of the Burtis Bay and Harbor Hotel shoreline and appreciate the quick response of the Sheldon Foundation, the Chautauqua Region Community Foundation, and Chautauqua County. We hope the same attention and urgency will be applied from now on to prevent the proliferation of weeds and fragments which are the source of these problems. It is unfortunate that the late fall, early winter, Chautauqua Lake Association plan, on which the \$74,000 funding is based cannot be implemented as hoped. We understand the Chautauqua Lake Association will now consider a variety of cleanup methods and a new price and schedule. Considering the change in urgency and conditions, we now expect a price significantly lower and a work start in early to mid-April. The Chautauqua Lake Partnership supports the cleanup and the generosity of the funding organizations, however since the cleanup will now be delayed four to five months, we recommend the Alliance take advantage of the delay to prepare a request for proposals and a list of qualified contractors and solicit competitive cleanup plans, costs, and schedules. This will allow the creativity of the contractor community to be applied to an operation which is certain to be repeated in Chautauqua Lake in the future. And, competition will ensure County taxpayers and foundation contributors get the best price and schedule. We hope the Alliance will seriously consider the Partnership's recommendation. Thank you very much.

Chairman Wendel: Anyone else to speak to the 1st privilege of the floor? Seeing none, we'll close the 1st privilege of the floor.

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 10/24/18

AWARD FOR EXCELLENCE
By
SHERIFF GERACE
For
DEPUTY ADAM MCDOO
DISPATCHER STEVEN JAGODA

Chairman Wendel: I know that I speak from experience that trying to save someone's life is difficult but when it's a child, it's even more difficult. So hats off to all of our distinguished members of not only dispatch but our Sheriff's Department and EMT qualified deputies that are out on the road every day helping us.

COMMUNICATIONS:

1. Letter – Co. Executive – Appmt. to Chaut. County Land Bank Board
2. Letter – R. McDonald – Resignation from Chautauqua Lake Sewer Board
3. Report – Small Business Development Center – Quarterly (7/1-9/20/18)
4. Letter – Depart. of Public Service–Re: Winter Outreach & Education Prgm.

RENEW & AMEND RES. NO. 193-18 – Authorize Lease of Cage and Office Space at 201-209 East Fourth Street, Jamestown for the Chautauqua County Sheriff (See page 145 for complete text)

Moved by Legislator Chagnon, Seconded by Legislator Bankoski to amend by the following:

Under first RESOLVED, #2, change the dates to: October 2, 2018 to December 21, 2023

In Chart: Months 49-66 should be changed to 49-63 with total for Lease Period should read \$9,750.00 and Total Over Term should read \$35,500.00 – Unanimously Carried

RENEW & AMEND – Unanimously Adopted

TABLED RES. NO. 229-18 – Acceptance of Funds from NYSDOT for the Hangar J Door Replacement Design and Construction Project at the Chautauqua County Jamestown Airport (See text on page 176)

TABLED RES. NO. 229-18 – Adopted w/ Legislator Scudder voting “no” – November 28, 2018

REGULAR SESSIONS

RES. NO. 248-18

Confirm Appointment – North Chautauqua Lake Sewer District Board

By Public Facilities Committee:
At the Request of Chairman Paul M. Wendel:

WHEREAS, the North Chautauqua Lake Sewer District was established as a County Sewer District by Resolution 86-75, as amended, and Resolution 37-76; and

WHEREAS, Pursuant to County Resolution 38-76 and County Law §261 the District is administered by a board consisting of seven members appointed by the County Legislature, who serve six year terms; and

WHEREAS, Ronald R. McDonald, appointed to the District Board by Resolution 126-13, has resigned from the Board, and the District Board recommends Chris Ames to fill his vacancy and to serve a subsequent six year term; now, therefore, be it

RESOLVED, That the Chautauqua County Legislature appoints the following to the North Chautauqua Lake Sewer District Board:

Chris J. Ames	Replacing Ron McDonald
5624 Sherman-Mayville Rd.	
Mayville, N.Y. 14757	
Term Expires: 12/31/24	

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – November 28, 2018

RES. NO. 249-18

Confirm Appointment - Chautauqua County Land Bank Board of Directors

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello:

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

RESOLVED, That the Chautauqua County Legislature hereby confirms the following appointment to the Chautauqua County Land Bank Board of Directors.

New Appointment:
Louis Drago Jr.
9 Brook St.
Lakewood, N.Y. 14750
Term Expires: 3/31/20

Signed: Odell, O'Connell, Chagnon, Starks

Unanimously Adopted – November 28, 2018

RES. NO. 250-18

Amend 2018 Budget – North Chautauqua Water District

By Public Facilities and Audit & Control Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 39-16, 81-16, 175-16, 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, authorized bonding and in a maximum amount of \$11,750,000 for the cost of the initial capital improvements for the District, and established a capital budget of \$11,750,000; and

WHEREAS, the District is now operational and is generating revenue and incurring expenditures, and operating revenues and expenditures for the District were not included in the 2018 Adopted Budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

ESTABLISH AND INCREASE APPROPRIATION ACCOUNT:

EWN.8310.----.4	Contractual—Water District	\$214,000
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

EWN.8310.----.R214.4000	Departmental Income—Chrgs: Water	\$214,000
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – November 28, 2018

RES. NO. 251-18

Amend 2018 Budget Appropriations – South & Center Chautauqua Lake Sewer District (S&CCLSD)

By Public Facilities & Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some South & Center Chautauqua Lake Sewer District (S&CCLSD) expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

ESS.8130.----.1	Personal Services—Sewage Treatment	\$45,000
ESS.8130.----.8	Employee Benefits—Sewage Treatment	<u>\$47,000</u>
	Total	\$92,000

DECREASE APPROPRIATION ACCOUNTS:

ESS.8120.----.4	Contractual—Sanitary Sewers	\$45,000
ESS.8130.----.4	Contractual—Sewage Treatment	<u>\$47,000</u>
	Total	\$92,000

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

Unanimously Adopted – November 28, 2018

RES. NO. 252-18

Approving SEQRA Findings for the Dale Drive Shoulder Expansion Project

By Public Facilities and Planning & Economic Development:
At the Request of County Executive George M. Borrello:

WHEREAS, the County's Department of Public Facilities (DPF) proposes to reconstruct the existing 4-ft gravel shoulders with asphalt pavement to improve pedestrian and bicycle travel along County Road 48 in the Village of Cassadaga; and

WHEREAS, pursuant to Resolution No. 164-17, DPF was authorized to proceed with the Dale Drive Shoulder Expansion Project; and

WHEREAS, pursuant to Resolution No. 203-17, Chautauqua County entered into an agreement with the New York State Department of Transportation for the Preliminary Engineering (Design I-IV) phase for the Dale Drive Shoulder Expansion Project, PIN 5762.26, County Agreement number (17-25-28); and

WHEREAS, the DPF has completed the project design report and reviewed the project consistent with the New York State Environmental Quality Review Act (hereinafter "SEQRA"), and applicable state regulations; and

WHEREAS, DPF has determined the project to be an Unlisted action as defined by 6 NYCRR 617.2, such that the significance of the environmental impact of the project must be determined in accordance with 6 NYCRR 617.7; and

WHEREAS, pursuant to 6 NYCRR Part 617, the Chautauqua County Legislature, as lead agency, must evaluate the environmental impact of this action; and

WHEREAS, DPF prepared a Short Environmental Assessment Form ("SEAF"), as is required by the County for projects classified as Unlisted actions, and found the probability of any adverse impact to be very low; and

WHEREAS, this Legislature has reviewed the SEAF and supporting documentation, copies of which are attached; therefore be it

RESOLVED, in consideration of the SEAF, and having considered the facts and conclusions relied on to meet the requirements of 6 NYCRR Part 617, the Chautauqua County Legislature hereby finds in accordance with Article 8 of New York State Environmental Conservation Law that:

- 3) the requirements of 6 NYCRR Part 617 have been met; and
- 4) implementation of the proposed action will not result in any significant adverse environmental impacts; and be it further

RESOLVED, That the County Executive be and hereby is authorized to execute a "Negative Declaration" for the proposed action.

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Odell, O'Connell, Starks, Chagnon

Unanimously Adopted – November 28, 2018

REGULAR SESSIONS

RES. NO. 253-18
Amend 2018 Budget for Landfill Gas Well Maintenance

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 107-18, the accounting treatment of gas well maintenance was reevaluated, and the associated expenditures were classified as operating rather than capital expenditures; and

WHEREAS, it has now been determined that the original treatment of gas well maintenance as a capital project was correct; and

WHEREAS, the expenditures for gas well maintenance are identified as Alternative A1 on the bid for Landfill Phase IV Construction, and are anticipated to be \$380,893; now therefore be it

RESOLVED, That Landfill--Environment Fund Balance is adjusted as follows:

DECREASE THE USE OF FUND BALANCE:

EL.-----889.METHFund Balance – Misc Res: Gas Well Maintenance	\$380,893
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; and be it further

RESOLVED, That the Director of Finance is authorized make the following changes to the 2018 Budget:

DECREASE APPROPRIATION ACCOUNT:

EL.8160.1000.4 Contractual—Environment-Landfill	\$380,893
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INCREASE APPROPRIATION ACCOUNT:

EL.8160.025.4 Contractual—Environment-Phase IV Construction (2007)	\$380,893
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Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould, Chagnon, Muldowney, Niebel

Unanimously Adopted – November 28, 2018

RES. NO. 254-18
Distribution of Mortgage Taxes

By Administrative Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

RESOLVED, That the Clerk of the County Legislature of Chautauqua County be and hereby is authorized and directed to compute the amount of Mortgage Tax Monies due the various municipalities under Section 261 of the Tax Law and to draw the warrant or order on the Director of Finance for the distribution to said municipalities of all monies due pursuant to said act and to do all things required to be done by the Board of Legislators as required by Law:

**April 1, 2018 through September 30,
2018**

TOWNS		CITIES	
Arkwright	6,631.85	Dunkirk	27,049.47
Busti	53,662.43	Jamestown	99,807.77
Carroll	12,727.63		
Charlotte	4,091.47	TOTAL	\$126,857.24
Chautauqua	47,866.61		
Cherry Creek	3,469.79		
Clymer	10,698.60		
Dunkirk	4,224.73		
Ellery	72,918.49		
Ellicott	33,135.77		
Ellington	8,989.69		
French Creek	12,591.83		
Gerry	8,956.07		
Hanover	33,618.94		
Harmony	18,766.22		
Kiantone	5,217.92		
Mina	12,895.28		
North Harmony	19,870.39		
Poland	7,211.16		
Pomfret	49,534.99		
Portland	17,067.00		
Ripley	7,347.93		
Sheridan	10,179.33		
Sherman	5,424.55		
Stockton	5,352.26		
Villanova	8,247.49		
		TOTAL	\$73,119.11

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Westfield	17,313.67
TOTAL	\$498,012.09
GRAND	
TOTAL	\$697,988.44

Signed: Scudder, Nazzaro, Davis, Muldowney, Starks, Himelein, Niebel, Chagnon

Unanimously Adopted – November 28, 2018

RES. NO. 255-18

Approving Consolidation of Vital Statistics Registrar Districts Between Town of Sherman and Village of Sherman

By Administrative Services Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Sherman adopted a resolution on August 3, 2017 approving the consolidation of the Town of Sherman and the Village of Sherman into one primary Vital Statistics Registration District; and

WHEREAS, the Village of Sherman also adopted a resolution on September 6, 2017 approving the consolidation; and

WHEREAS, Section 4120 of the Public Health Law requires the approval of the legislative body of the county where such vital statistics districts are located; now therefore be it

RESOLVED, That the Chautauqua County Legislature hereby approves the consolidation of the Town of Sherman and the Village of Sherman Vital Statistics Registration Districts into one District (672); and be it further

RESOLVED, That certified copies be forwarded to the Town of Sherman and the Village of Sherman.

Signed: Scudder, Davis, Muldowney, Starks, Himelein

Unanimously Adopted – November 28, 2018

RES. NO. 256-18

Requesting State Legislature to Permit up to Four (4) Assistant District Attorneys to Reside in Adjoining Counties

By Administrative Services and Public Safety Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the office of the Assistant District Attorney is a critical position in the Chautauqua County District Attorney's office, and the District Attorney has advised there has been difficulty in recruiting qualified individuals to fill vacancies in the office of Assistant District Attorney; and

WHEREAS, the District Attorney would in the future like the opportunity to draw from as large a pool of potential applicants as possible when filling the office of Assistant District Attorney; and

WHEREAS, in order for an Assistant District Attorney to reside in an adjoining county, the New York State Legislature must amend Section 3 of New York Public Officers Law; and

WHEREAS, the State Legislature has previously authorized the counties of Westchester, Yates, Madison, Montgomery, Putnam, Fulton, Essex, Wyoming, Sullivan, and Oswego to hire Assistant District Attorneys who reside in adjoining counties; now therefore be it

RESOLVED, That the Chautauqua County Legislature requests the New York State Legislature to adopt legislation amending Section 3 of New York Public Officers Law to permit the County of Chautauqua to have up to four (4) Assistant District Attorneys who reside in adjoining New York counties, provided, however, that the Chief Assistant District Attorney shall remain required to be a resident of Chautauqua County; and be it further

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

Signed: Scudder, Davis, Muldowney, Starks (Tabled in P.S.)

Defeated –(R/C Vote: 5 Yes; 12 No; 2 Absent) No's: Chagnon, Davis, Gould, Himelein, Hemmer, Muldowney, Niebel, Odell, Scudder, Vanstrom, Wilfong, Wendel - November 28, 2018

REGULAR SESSIONS

RES. NO. 257-18

Authorize Execution of Lease Agreement with Federal Bureau of Investigation for Tower Space

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Federal Bureau of Investigation desires to renew an agreement with the County of Chautauqua to operate and maintain various communications equipment and an antenna at the County-owned tower located on Dutch Hollow Road in the Town of Ellery, New York; and

WHEREAS, there is sufficient space at the County-owned tower to accommodate the communications equipment of the Federal Bureau of Investigation and such tower space is not needed for County purposes, and use of such tower space engenders no additional cost to the County; and

WHEREAS, the parties have agreed to a lease renewal with a one (1) year term and which may be extended for up to four (4) additional one (1) year terms; and

WHEREAS, this revenue is included in the 2018 and 2019 budgets; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute the renewed lease agreement with the Federal Bureau of Investigation granting the right to maintain an antenna and communications equipment at the County-owned tower located on Dutch Hollow Road in the Town of Ellery.

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

Unanimously Adopted – November 28, 2018

RES. NO. 258-18

Authorize Agreement with Brocton 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 Brocton Central School District has requested the Chautauqua County Office of the Sheriff provide a School Resource Officer during the term of November 1, 2018 through June 30, 2020; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with Brocton Central School District to provide a certified School Resource Officer for the 2018-2019 and 2019-2020 school years at a total cost of \$129,678.23; and

WHEREAS, the County will not incur any local share expense for this position; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with Brocton Central School District for the purpose of providing a School Resource Officer for the 2018-2019 and 2019-2020 school years 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 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3110.----.1	Personal Services – Sheriff	\$ 8,755
A.3110.----.8	Employee Benefits – Sheriff	\$ 4,213
	Total	\$12,968

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services – Chrgs: Oth Gov-Pub Safety	\$12,968
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; 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	\$52,527
A.3110.----.8	Employee Benefits – Sheriff	\$25,280
	Total	\$77,807

INCREASE REVENUE ACCOUNT:

A.3110.----.R226.0000	Shared Services – Chrgs: Oth Gov-Pub Safety	\$77,807
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Gould, Muldowney

Unanimously Adopted – November 28, 2018

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RES. NO. 259-18

Authorize Agreement with Cattaraugus County for Inmate Housing

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, on occasion, the Cattaraugus County Jail has a need to relocate inmates to other jail facilities; and

WHEREAS, the Office of the Sheriff has negotiated a tentative agreement with Cattaraugus County to house inmates at the Chautauqua County Jail at a current rate of \$50 per day, per inmate; and

WHEREAS, the Cattaraugus County Jail shall assume all medical costs for the inmates boarded in the Chautauqua County Jail; now therefore be it

RESOLVED, That the County Executive is authorized and empowered to execute an agreement with Cattaraugus County for the housing of inmates as set forth above with revenues to be credited to account A.3150.----.R226.0000.

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

Unanimously Adopted – November 28, 2018

RES. NO. 260-18

Amend 2018 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNTS:

A.3020.E911.4	Contractual – E911	\$4,472
A.3110.3114.8	Employee Benefits – Pistol Permit	<u>\$7,885</u>
		\$12,357

DECREASE APPROPRIATION ACCOUNT:

A.3110.----.1	Personal Services – Sheriff	\$12,357
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Signed: Niebel, Gould, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney

Unanimously Adopted – November 28, 2018

RES. NO. 261-18

Amend 2018 Budget Appropriations and Revenues Associated with Juvenile Services Team (JST)

By Public Safety, Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Department of Probation and the Department of Health and Human Services expected to execute a Memorandum of Understanding (MOU) regarding their implementation of a county-wide, co-located Juvenile Services Team (JST); and

WHEREAS, the MOU was not approved by New York State so the JST program will not be implemented as planned, and the expected revenues will not be realized; and

WHEREAS, pursuant to Resolution No. 143-18, budgeted appropriations and revenues associated with the JST were amended and those amendments now need to be reversed; now therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance	\$201,600
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 Budget:

DECREASE APPROPRIATION ACCOUNTS:

A.6010.----.1	Personal Services—Social Services Admin	\$197,381
A.6010.----.8	Employee Benefits—Social Services Admin	<u>\$106,465</u>
	Total	\$303,846

REGULAR SESSIONS

INCREASE APPROPRIATION ACCOUNTS:

A.3140.----.1	Personal Services—Probation	\$197,381
A.3140.----.8	Employee Benefits— Probation	\$106,465
	Total	\$303,846

DECREASE REVENUE ACCOUNTS:

A.6010.----.R361.0000	New York State Aid—Social Services Admin	\$ 38,100
A.6010.----.R461.0000	Federal Aid—Social Services Admin	\$163,500
	Total	\$201,600

Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – November 28, 2018

RES. NO. 262-18

Amend 2018 Budget for SNAP High Performance Bonus Award Allocation

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, The New York State Office of Temporary and Disability Assistance (OTDA) has approved the Chautauqua County Department of Health and Human Services' (DHHS) plan for utilization of its Supplemental Nutrition Assistance Program (SNAP) High Performance Bonus Award Allocation for the period of April 1, 2018 through September 30, 2019 in the amount of \$72,042; and

WHEREAS, costs associated with SNAP bonus activities will be funded at 50% by Federal funds and 50% by the SNAP High Performance Bonus Award; and

WHEREAS, the SNAP High Performance Bonus Award and non-payroll costs associated with the SNAP High Performance Bonus Award were not included in the 2018 Budget; and

WHEREAS, Federal SNAP funding that will be available for non-payroll costs associated with the SNAP High Performance Bonus Award was not included in the 2018 Budget; and

WHEREAS, the 2018 Budget must be adjusted to include these awarded funds and related expenditures; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.----.----.917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$51,995
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.6010.----.4	Contractual- Social Services Admin	\$40,093
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INCREASE REVENUE ACCOUNT:

A.6010 .----.R461.0000	Federal Aid - Social Services Admin	\$92,088
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Signed: Wilfong, O'Connell, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – November 28, 2018

RES. NO. 263-18

Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake

At the Request of County Executive George M. Borrello, Legislators Odell, Vanstrom, Chagnon:

WHEREAS, Chautauqua Lake is an invaluable asset to Chautauqua County but has been designated as an impaired water body and its health and usability are threatened; and

WHEREAS, excessive amounts of aquatic vegetation, high water levels, and wind conditions have resulted in a large deposit of aquatic vegetation and a fish kill in Burtis Bay on Chautauqua Lake; and

WHEREAS, Chautauqua County recommends a remedy whereby the aquatic vegetation and dead fish are removed and disposed in the Chautauqua County's Ellery Landfill, thereby mitigating potential environmental degradation and human health concerns if the aquatic vegetation and dead fish were allowed to remain and decay in Chautauqua Lake; and

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WHEREAS, the Chautauqua Lake Association has the capacity to remobilize its fleet of specialized lake maintenance equipment and the manpower to implement the County's recommended remedy, and has provided a proposal to effectuate the remedy at an estimated cost of \$25,000; and

WHEREAS, the 2% Occupancy Tax Reserve fund has a balance of approximately \$229,882; therefore, be it

RESOLVED, That the Chautauqua County Legislature designates \$25,000 from the 2% Occupancy Tax Reserve to the Chautauqua Lake Association for removal and disposal of aquatic vegetation and dead fish from Burtis Bay on Chautauqua Lake; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watway \$25,000

; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following amendment to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$25,000

Signed: Odell, Vanstrom, Chagnon

Tabled – Unanimously Carried - November 28, 2018

RES. NO. 264-18
Quit Claim Deed

By Administrative Services and Audit & Control Committee:
At the Request of County Executive George M. Borrello:

WHEREAS, the Administrative Services Committee of the County Legislature has received and hereby recommends acceptance, pursuant to Section 1166 of the Real Property Tax Law, the following offers for the County's Tax Liens as detailed on the attached Schedule 1 under tax sale certificates noted on original papers on file in the office of the Director of Finance; and

WHEREAS, that unless otherwise noted, the County Tax Enforcement Officer has confirmed that the offers received are in compliance with the County's policy regarding tax foreclosure as set forth in Resolution No. 110-17; now therefore be it

RESOLVED, That the Executive and Chairman of this Legislature be hereby authorized to execute Quitclaim Deeds conveying to the offers herein mentioned, the interest of Chautauqua County in said properties under said tax sale certificates; and be it further

RESOLVED, That the Director of Finance of Chautauqua County be hereby authorized to cancel any outstanding taxes, fees, interest and other charges. In adopting this resolution, the Legislature intends to adopt each transaction separately, in the usual form of Resolution, and the failure of any particular transaction to be completed shall in no manner affect the validity of any of the others.

Offer Number	Municipality	S/B/L	Purchaser	Offer Amount	Taxes Owning
PA-254-2018	Gerry	064489-302.00-2-43	Jennifer A Rissel	\$ 350.00	\$3,513.73
			Total	\$ 350.00	\$3,513.73

Signed: Scudder, Davis, Muldowney, Starks, Himelein, Chagnon, Nazzaro, Niebel (Amended in A.C.)

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 265-18
Making Appropriations for the Conduct of County Government for Fiscal Year 2019

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Chautauqua County Legislature has held public hearings on the 2019 tentative Budget and thereafter considered the budget, made changes therein and has presented the budget along with Resolution No. 247-18 listing the changes, to the County Executive for his consideration; and

WHEREAS, the County Executive has affixed his signature to Resolution No. 247-18 and has returned the same along with the budget and such statement regarding the budget and changes made thereon; and

REGULAR SESSIONS

WHEREAS, in accordance with Section 8.07 of the Administrative Code the Budget Director is authorized to make any corrections in the budget as may be required due to any typographical, mathematical or technical errors, after conditional adoption of the budget; and

WHEREAS, there is now adopted, pursuant to law, a County budget for the fiscal year beginning January 1, 2019; therefore be it

RESOLVED, That the total amount specified in such budget as adopted for all objects of expenditures set forth therein be and hereby are appropriated for such items.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 266-18
Authorize Tax Levy

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, there has been adopted a budget for the fiscal year of 2019 and

WHEREAS, this Legislature has made appropriations for the conduct of the County Government for the year 2019 therefore be it

RESOLVED, That this Legislature hereby levies:

1. Upon all the taxable property in the County, upon the valuation as equalized by it, the sum specified in said budget for all purposes chargeable to the entire county;
2. Upon all the taxable property in the Chautauqua County Social Services District, upon the valuation as equalized by it, the sum specified in said budget for Social Services purposes;
3. Upon all the taxable property liable therefore, the sum specified in the budgets for the Chautauqua County Health District;
4. Upon all the taxable property of the participating towns in respective amounts set out against each participant of the Chautauqua County Self-Insurance Plan in Resolution 188-18, adopted August 22, 2018.
5. Upon the property on which school taxes are uncollected as of November 30, 2019, the amount of such uncollected school taxes;
6. Upon the property on which village taxes are uncollected as of December 1, 2019, the amount of such uncollected village taxes;

Upon all the taxable property of the several towns and cities, upon the valuation as equalized by it any and all amount charged against any and all said towns and cities during the year 2019 pursuant to law or resolution of this Legislature.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 267-18
Authorize Levy of Town Taxes

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That there shall be assessed, levied upon and collected from the taxable real property situated in the Towns of Chautauqua County outside of any incorporated village wholly or partially located therein, the amounts to be raised by taxes for Highway Funds – Outside Village and other Part-Town Functions as specified in the Town Budgets and directed by the Town Boards to be raised; and be it further

RESOLVED, That there shall be assessed and levied upon and collected from the real property liable therefore within the respective Fire, Fire Protection, Fire Alarm, Lighting and Improvement Districts, in said Towns, the amounts for the purpose of such districts as shown and specified in annual budgets; and be it further

RESOLVED, That the amounts to be raised by tax for all other purposes as specified in said annual budgets shall be assessed levied upon and collected from the taxable property of said town as authorized by the Town Boards except as otherwise provided by law; and be it further

RESOLVED, That such taxes and assessments when collected shall be paid to the Supervisor of the several towns, to be distributed by them in the manner provided by law.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 268-18
Authorize Levy of Unpaid Town Charges

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That the Clerk of the Legislature be directed to include in current tax rolls, all charges which may properly be a lien against real property when certified as due and unpaid by the Town Boards of the various towns in the County.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 269-18
Authorize Levy of Omitted Taxes

At the Request of Chairman Paul M. Wendel, Jr.:

RESOLVED, That the Clerk of this Legislature be instructed to extend the proper tax for the previous year against any omitted tax properly entered upon any of the assessment rolls for the present year as directed by the respective Town Boards or County Legislature in which said property is located.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 270-18
Authorize Tax Levy – North Chautauqua Lake Sewer District

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the North Chautauqua Lake Sewer District has prepared and presented an assessment roll of the year 2019 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2019 presented by the Board of Directors of the North Chautauqua Lake Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated therein.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 271-18
Authorize Tax Levy – Portland-Pomfret-Dunkirk Sewer District

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District has prepared and presented an assessment roll for the year 2019 as required by Section 271 of the County Law; and

WHEREAS, the requirements of said law regarding availability of public inspection, notice of public hearing and public hearing has been complied with; now therefore be it

RESOLVED, That the assessment roll for the year 2019 presented by the Board of Directors of the Portland-Pomfret-Dunkirk Sewer District in accordance with Section 271 of the County Law is hereby affirmed and adopted as originally proposed and levied as stated herein.

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

REGULAR SESSIONS

RES. NO. 272-18

Authorize Levy of Unpaid Sewer User Charges & Civil Penalties – North, South & Center Chautauqua Lake & Portland-Pomfret-Dunkirk Sewer Districts

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, the Director of Finance has transmitted a list of those residents or property owners within the county who are in arrears in the payment of charges made under Section 266 of the County Law for a period of 30 days or more after the last day fixed for payment of such charges without penalty in accordance with the requirements of Section 266 (3) of the County Law, and civil penalties outstanding pursuant to Chautauqua County Local Law 6-94; and

WHEREAS, this Legislature is mandated to levy such sums against the properties liable; now therefore be it

RESOLVED, That the county sewer charges and civil penalties contained in the list received by this body from the Director of Finance of Chautauqua County are hereby levied against the properties liable and the amount of such charges shall be stated in a separate column in the annual tax rolls of the various municipalities under the name of "County Sewer Charges" or "County Sewer Penalty".

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

RES. NO. 273-18
Fixing Equalization Rates for 2019

At the Request of Chairman Paul M. Wendel, Jr.:

WHEREAS, Pursuant to Resolution #216-96 the County of Chautauqua elected to establish Equalization Rates for the several towns and cities in the County of Chautauqua in accord with Title 2, Article 8 of the Real Property Tax Law; and

WHEREAS, the New York State Office of Real Property Services has completed its determination of the equalization rates to be utilized in apportioning the 2018 County Taxes; therefore be it

RESOLVED, That the following rates be fixed as the Chautauqua County Equalization rates for the 2019 tax rolls in the following towns and cities:

Arkwright	49%	Harmony	100%
Busti	100%	Jamestown, City	100%
Carroll	100%	Kiantone	100%
Charlotte	93%	Mina	100%
Chautauqua	100%	North Harmony	98.8%
Cherry Creek	88.70%	Poland	94%
Clymer	100%	Pomfret	17.75%
Dunkirk, Town	67%	Portland	55.00%
Dunkirk, City	77%	Ripley	100%
Ellery	93.50%	Sheridan	59%
Ellicott	90%	Sherman	100%
Ellington	94%	Stockton	100%
French Creek	100%	Villanova	52.50%
Gerry	93%	Westfield	76%
Hanover	86%		

Signed: Wendel

Unanimously Adopted – R/C Vote: 17 Yes; 2 Absent - November 28, 2018

JOURNAL OF PROCEEDINGS

EMERGENCY
RES. NO. 274-18
Amend 2018 Budget for Public Facilities Snow Removal

At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County uses approximately 30,000 tons of salt annually in the winter road maintenance program; and

WHEREAS, maintaining an adequate supply of salt is critical to the safety of the traveling public; and

WHEREAS, in 2018 the method of accounting for salt utilization was changed from an inventory method to an expense method, so salt is expensed in the period it is received, even if it is not used during that period; and

WHEREAS, at the October meeting of the Public Facilities Committee the County's Public Facilities Director indicated the need for salt would surpass the proposed amendment to the 2018 budget if there were snow and ice events in the month of November, and there have been such snow and ice events; and

WHEREAS, in order to ensure that the County has an adequate supply of salt this winter, the County's Public Facilities Director has recommended the purchase of an additional \$450,000 worth of salt prior to December 3, 2018; now therefore be it

RESOLVED, That D Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

D.----.----.915.0000 Fund Balance—Assigned/Unappropriated Fund Balance \$400,000
; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

D.5142.----.4 Contractual-Snow Removal: Co Roads \$450,000

INCREASE REVENUE ACCOUNT:

D.5142.----.R277.0007 Miscellaneous—Other Uncl: Salt & Sand \$ 50,000

Adopted w/ Legislator Davis voting "no" – November 28, 2018

LOCAL LAW
INTRODUCTORY 9-18
CHAUTAUQUA COUNTY

AMENDING LOCAL LAW 6-01 REGARDING BUDGET PROCEDURES AFTER ISSUANCE OF ANNUAL TENTATIVE BUDGET

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

1. Amendment. Local Law 6-01 of the County of Chautauqua, as amended by Local Law 3-03, Local Law 2-04, and Local 3-04 of the County of Chautauqua, is hereby further amended in Section 3 to read as follows:

Section 3 . Public Hearing

The date and time of the public hearing on the tentative budget shall be ~~2:00 p.m. and~~ 6:30 p.m. on the fourth Wednesday of October, at which time any person may be heard for or against recommendations made by the County Executive or any other comments relevant to the tentative budget.

2. Effective Date. This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 11/16/18
Adopted by Legislature: 11/28/18
Public Hearing by County Executive: 12/17/18
Adopted as 12-18

R/C Vote: 17 Yes; 2 Absent
Date State Filed: 12/27/18

2nd Privilege of the Floor

No one chose to speak at this time.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:13 p.m.)

REGULAR SESSIONS

Regular Meeting
Chautauqua County Legislature
Wednesday, December 19, 2018, 6:30 p.m.
Mayville, N.Y. 14757

Chairman Wendel called the meeting to order at 6:34 p.m.

Clerk Tampio called the roll and announced a quorum present. (Absent: O'Connell)

Legislator Davis delivered the prayer followed by the Pledge of Allegiance.

Chairman Wendel: I would like us to remain standing to give a moment of silence to Janet Jankowski who was the Clerk of the Legislature from 2006 to 2012. She also worked for the Board of Elections for 8 ½ years. She passed away on November 29, 2018.

MOVED by Legislator Nazzaro, SECONDED by Legislator Whitford and duly carried the minutes were approved.

Unanimously Carried

1st Privilege of the Floor

My name is Paul Johnson and I live in Bemus Point and I am here tonight representing the Chautauqua Lake Partnership. As I said last month, we are very pleased that the Alliance has organized funding for a cleanup of Burtis Bay and Harbor Hotel shoreline and appreciate the quick response of the Sheldon Foundation, the Chautauqua Region Community Foundation, and Chautauqua County. We hope the same attention and urgency will be applied from now on to prevent the proliferation of the weeds and fragments which are the source of these problems. The Chautauqua Lake Partnership supports the cleanup and the generosity of the funding organizations. As you will recall, we proposed that since the cleanup will now be delayed four to five months, that the Alliance take advantage of the delay to prepare a request for proposals and a list of qualified contractors and solicit competitive cleanup plans, costs, and schedules. This will allow the creativity of the contractor community to be applied to an operation which is certain to be repeated in Chautauqua Lake in the future and competition will ensure County taxpayers and foundation contributors get the best price and schedule. We continue to hope the Alliance and Chautauqua County Legislature will seriously consider the partnerships recommendation. Thank you.

Thank you for the opportunity, my name is Tom Erlandson. I live in the hamlet of Frewsburg, 26 Valley View Drive in the Town of Carroll. I'm speaking in reference to resolution 301-18, on this evening's agenda which is to authorize use of the 2% occupancy tax monies to retain professional services to assist in developing a Chautauqua Lake Weed Management Consensus Strategy. The resolution authorizes the use of the 2% occupancy tax reserve to retain an Ecology and Environmental Engineering and Geology, to review existing information and prepare an outline of potential strategies for building a Weed Management Consensus Strategy at a cost not to exceed \$9,970. As I hope will become clear, I am not opposed to developing such a strategy. I trust that we all know that a Chautauqua Lake Weed Management Strategy is sorely needed and long overdue. Rather I'm opposed to retaining an outside consultant for yet another report related to Chautauqua Lake. While there are examples of the County's use of outside consultants, often at considerable expense, for issues relating to topics other than Chautauqua Lake. For example, the sale of the former County Home that occurred in 2014, the (*inaudible*) condition has been the reason for the expenditure of significant tax payer money for contracted reports in recent years. Two major examples are the preparation and publication of the Chautauqua Lake and Watershed Management Plan in 2010 and the Chautauqua Lake Macrophyte Management Strategy in 2017. Because of the complexity of the data gathering and preparation of those reports, I believe the use of the consulting firms involved was warranted. There are times when outside expertise is required. However, in my opinion, that is not the case for a third more recent example, namely the hiring of a consulting firm Ecologic LLC for the Chautauqua Lake and Watershed Management Alliance to develop a tool used this year for evaluating proposals for lake and watershed projects submitted by local organizations. That tool development could have and should have been done locally. The cost of such reports to taxpayers is not my main point however. Rather I ask why it is that our decision makers including members of this deliberative body, so often think that it is necessary to hire outside consultant when we have many dedicated and intelligent and experienced area residents who are quite capable of doing what is needed at less cost to County taxpayers. It is apparent to many County residents that it is hard decisions made by leaders both elected and appointed that are needed, not more studies done by others living elsewhere. Again, this resolution authorizes the use of 2% occupancy tax reserve to retain Ecology and Environmental Engineering and Geology. I do have several questions. Don't we know enough already about lake weed management to do that for ourselves? Is there not enough expertise within the three existing an active lake and watershed organizations to get that job done? What about the Alliance and the County Department of Planning and Economic Development? Cannot employees of those components of County government, along with the County Watershed Coordinator, present the options and facilitate the achievement of consensus? Can we not develop a method of evaluating lake improvement proposals without cost for the outside help? With all of this past history, knowledge, and local expertise, why do we need to spend another \$10,000 of taxpayer money to go outside, to what I believe we can very well do for ourselves. One more thing, the Chautauqua Lake Partnership has identified and emphasized the 35 year cycle of repetitive law suits, studies and more law suits. Naming it the Chautauqua Lake Three Step. Note that within the three step cycle between the two law suits are studies. Always more studies and done by others. Clearly there has been an endless cycle of hiring outside experts to do what we often have abundant expertise to do for ourselves. Isn't that simply passing the buck? Thank you.

My name is Jim Wehrfritz. I'm going to speak to the same two resolutions but in a little different way. I'm here tonight as Vice President of the Chautauqua Lake Partnership and although I've owned property on the lake for only 14 years and established our final home here only 3 years ago, I've had the privilege of meeting many of you and getting to know and work with most of the Town Supervisors, Village Mayors, and their boards in municipalities around the lake. You've heard specific comments on these two proposals requiring County revenue tonight from Paul Johnson and from Tom Erlandson. I'll provide a general perspective on the resolutions. Neither of which we believe should be funded at this time. First; the Legislature has given me the opportunity to serve as a member of the South & Center Chautauqua Lake Sewer District Board of Directors at a very exciting time as we prepared to extend our system up through Stow. My background is a civil engineer with a water resources concentration and decades of project management experience have come in handy as we contract for the engineering and construction of treatment plant upgrades and collecting system expansion. In that role, I've become familiar with the County's well thought out contracting procedures, similar to those used throughout my career. The Legislature now has an opportunity require

 JOURNAL OF PROCEEDINGS

procedures similar to those for the Burtis Bay work. I'm sure you've seen photos of the out of control weed growth and fragment accumulation, and the resulting fish kill in Burtis Bay this past October. The Partnership worked with Burtis Bay's residents including Mike and Peggy Newell, who addressed you in November to bring the very disturbing situation to the attention of the New York State Department of Environmental Conservation. We wholeheartedly support an early spring cleanup of their lake bottom to surface weeds. However, we respectfully request that this body withhold funding for the resolution 263-18 for work which is at least four months away until other contractors besides the Chautauqua Lake Association have an opportunity to offer their cleanup solutions and place proposals in a competitive environment. Involvement of more than the CLA will ensure all cleanup options are considered and a competitive price is obtained. Second; as Partnership Vice President, I've had the opportunity to research the last 50 plus years of Chautauqua Lake Weed Management. Read numerous studies, talked to many of those who were intimately involved, be involved in the truncated development of the County's macrophyte management strategy and experience first-hand the challenges associated with improving and caring for our lake. It's clear to us that the solution for Chautauqua Lake weed management is not another study. A study that would reward a few Maple Springs and Institution residents and the Chautauqua Institution for filing unsupported law suits and a study that would continue the law suits, study, law suit cycle that has prevented progress in our lake the last 35 years and made it noteworthy, not in a positive way throughout New York State. We could not understand why our representative would propose such a study, arguably to *(inaudible)* the tide of law suits and studies by perpetuating that same cycle. The Partnership proposed an optimal combination of weed harvesting and DEC permitted herbicides beginning in Fall of 2017 and had our lake management consultant active all across New York State in the northeast US, using herbicide and weed harvesting, provide several case studies in our 2018 Labor Day weekend rally. That combination is the only way to manage weeds in a lake like ours. The Sheldon Foundation dedicated \$20,000 to the Alliance specifically to encourage a CLA, CLP partnership collaboration. Collaboration that we proposed for a joint 2019 CLA, CLP weed management program. Unfortunately, even with encouragement by Assemblyman Goodell, the CLA has refused to engage in such an effort and as a result, we understand the Alliance may now repurpose that \$20,000 for another use. We respectfully request that you do not approve funding of resolution 301-18. If you do, you'll be perpetuating not ending the 35 year law suits, study, law suit cycle which has prevented improvement and hasten the decline of the lake. Further, you would reward those who, through the last 35 years, have initiated or threatened law suits as a solution of the lake's problem and in so doing, prevent a meaningful improvement. Thank you.

My name is Doug Champ and a resident of District 12. My Legislator is Elizabeth Rankin and I appreciate her efforts. I also spent considerable amount of time actually, some *(inaudible)* years as a citizen other than military time, college time, on the lake, around the lake, and in the lake. I'm here as a citizen. I don't belong to any specific group. I represent, I think, people who understand that this lake is under threat from many, many centuries of *(inaudible)* and involvement. The issue at hand here is to try and seek out what we can do now. Being trained as a Biologist, I also have some input in terms of what happens in eutrophication processes on the lake like this. The dynamics of this lake are influenced by many things. But what we need to do is come to grips with the issues. Unfortunately, in all the years that I've been *(inaudible)*, the Chautauqua Lake Management group, the Alliance group, there is very little input directed to it from the Legislature. The Legislature is represented by the County Executive which is all well and good and we have a representation by Mr. Chagnon as kind of the Director of the present Alliance. We also have individual goals and needs. In other words, they represent stakeholders because they also support that process. So I think the Alliance itself has been one of the problems because of the consensus building that we don't have now. It needs to be reexamined, it needs to be looked at seriously and I know that you are dealing with another sideshow, it's not a show, reality check, I guess, in getting a look at the lake in forming a lake district. That requires a lot of input, a lot of decision making, and also going to have cost factors. But the lake itself cannot survive by grants, program opportunity notices, it needs a dedicated funding source. Otherwise, we will never complete the goals and the objectives of this lake and at best, we may not complete them anyway. So, in regard to the resolutions that are there, you are going to have a different process to deal with Burtis Bay than you would in the fall. You are going to have rather than surface problem, you are going to have a sediment problem. It's going to be, ice cap is going to move material around, the little fish are going to become reservoirs of phosphorus, they are going to be on the bottom. So you have to decide that you are going to have a different application that you would have in the fall in weed removal and surface versus sediment cleanup which also may have a problem in terms of the permitting process. So bear that in mind before you decide that you should do this now. In addition to that, you also put aside some money in the bed tax to hire an outside consultant. I've hired a lot of consultant in my time in the energy business. For \$10,000, you are going to get very little of anything in terms of a quality report that's necessary to evaluate a responsible relationship between all the stakeholders. It just isn't going to work out well and then the end result is implementation of that. It's more about implementation and consultation. One final thing, because my time is short, dealing with the landfill energy project which is more of an interest of mine. I understand what you are going to do there but also when you do, do that, understand that the methane gas is 20 times more, I guess, difficult to exercise from the environment than CO2 and that's a good thing but are you going to flare more methane. You are also going to lose the possibility of thermal energy exchange by virtue of taking methane gas, compressing it and putting in a pipeline that will be sold for renewable energy credits to a gas distribution company. That's all well and good, but, I do believe you have the potential that you haven't really looked at there in terms of using thermal energy as a viable source for attraction for economic stimulation an enterprise zone development in that area. So, do what you want but remember once you've done it, you may have exhausted that possibility. I don't know, maybe you have or maybe you haven't looked at thermal development up there on that particular property but I would encourage you still to understand how that works. So, covered three resolutions in hopefully three minutes, but again, we need to understand what you do when you apply your resources and you vote on things when you are not really totally assured of what the final results will be.

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

VETO MESSAGES FROM COUNTY EXECUTIVE BORRELLO
NO VETOES FROM 11/28/18

COMMENDATION:

SHERIFF JOSEPH GERACE
By
Chairman Paul M. Wendel
County Executive George M. Borrello

REGULAR SESSIONS

JAMESTOWN MARCHING BAND
By
Legislators
Whitford, Nazzaro, Rankin, Wilfong, Vanstrom
PANAMA CENTRAL SCHOOL
VARSITY SPORTS ATHLETES
By
Legislator Frank "Jay" Gould

COMMUNICATIONS:

Report – Fn. Director Crow – Investment Report – October 2018

TABLED RES. NO. 263-18 Allocation of 2% Occupancy Tax Funding from the 2018 Reserve Account for Cleanup of Burtis Bay on Chautauqua Lake (See page 196 for complete text)

Legislator Chagnon: I would like to make a motion that tabled resolution 263-18 be brought off the table for consideration.

Legislator Nazzaro: Second.

Unanimously Carried

Legislator Chagnon: I would like to further make a motion that we amend resolution 263-18 as is indicated in the amendment that has been placed on the desks of the Legislators and the essence of the amendment is to change the reference to the 2018 budget to the "2019" budget and to make it clear that these funds are to be "up to" \$25,000 and that they would be appropriated to the Alliance "on a reimbursement basis".

Legislator Nazzaro: Second.

Chairman Wendel: All those in favor of the motion as amended?

Unanimously Carried

Chairman Wendel: Any discussion on the resolution as amended?

TABLED RES. NO. 263-18 – Unanimously Adopted – December 19, 2018

RES. NO. 275-18

Confirm Re-Appointments – South & Center Chautauqua Lake Sewer District Board

By Public Facilities Committee:
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 re-appointments; therefore be it

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

Pierre Chagnon
3714 Westman Road
Bemus Point, NY 14712
Term Expires: 12/31/2024

Karen Rine
87 Longview Ave. WE
Jamestown, N.Y. 14701
Term Expires: 12/31/2024

William Chandler
207 W. Summit Avenue
Lakewood, NY 14750
Term Expires: 12/31/2024

Signed: Hemmer, Nazzaro, Scudder, Wilfong, Gould

Unanimously Adopted – December 19, 2018

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RES. NO. 276-18

Authorize Agreement for Purchase and Removal of Standing Timber From County Airport Property at the Chautauqua County Jamestown Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County of Chautauqua is authorized by General Municipal Law §72-a and County Law §219 to maintain forest lands and sell trees and timber from such lands; and

WHEREAS, the County contracted with Forecon, Inc. to provide forest management services which include independent quantity surveys and estimates of standing timber value on County reforestation properties; and

WHEREAS, Forecon, Inc. completed a fair market value appraisal of the standing timber on 41 acres of the Chautauqua County Jamestown Airport located in the Town of Ellicott as Section 335.00 Block 3 Lot 12, Section 335.00 Block 2 Lot 13, Section 335.00 Block 3 Lot 14, and Section 335.00, Block 3 Lot 17.1 ("Parcel"), and estimated the value of the mature timber on said Parcel at \$40,000; and

WHEREAS, on December 6, 2018, the County issued an Invitation to Bid on the Parcel for the sale and removal of 90,126 board feet (MBF) hardwood saw timber, with a deadline for all sealed bids to be received by the County no later than January 3, 2019 at 2:00 p.m.; and

WHEREAS, price volatility in the hardwood saw timber market increases risks and limits competition, and the increase in elapsed time between the opening of bids and the awarding of the contract due to obtaining necessary Legislature approval discourages prospective bidders from submitting a bid; and

WHEREAS, the County issued an Invitation to Bid on the Parcel in July 2018 and received no bids due to the above-mentioned factors; and

WHEREAS, it is appropriate for the County to accept the highest offered price that exceeds the fair market value appraisal; and

WHEREAS, pursuant to the Federal Aviation Administration (FAA) Airport Improvement Program's (AIP's) Airport Sponsors Assurances, all proceeds derived from the sale of this Parcel must be expended by the County for the capital or operating costs of the Chautauqua County Jamestown Airport; and

WHEREAS, the County desires to enter into a timber sale contract with the bidder who submits the highest technically compliant bid that meets or exceeds the fair market value appraisal; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute a timber sale contract with the bidder who submits the highest technically compliant bid for the sale and removal of 90,126 MBF hardwood saw timber on the Parcel that meets or exceeds the fair market value appraisal of \$40,000, with proceeds placed in an account for the capital or operating costs of the Chautauqua County Jamestown Airport.

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

Unanimously Adopted – December 19, 2018

RES. NO. 277-18

Establish Capital Accounts for Land Purchase and Avigation Easements at the Dunkirk Airport

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Chautauqua County Dunkirk Airport is designated a national air transportation facility within the U.S. National Plan for Integrated Airport Systems (NPIAS); and

WHEREAS, inclusion in the NPIAS makes the Chautauqua County Dunkirk Airport eligible for Federal grant funding under the Airport Capital Improvement Program (ACIP), a grant-in-aid program, to assist local airport sponsors to maintain aviation facilities in exchange for certain grant assurances and obligations; and

WHEREAS, these Federal grants when combined with New York State Department of Transportation (NYSDOT) matching funds provide ninety-five percent (95%) of the capital expense necessary to maintain the Chautauqua County Dunkirk Airport; and

WHEREAS Chautauqua County, as Airport Sponsor under the NPIAS, is obligated to develop and implement an Obstruction Management Plan to maintain runway virtual approach surfaces free and clear of hazards to aviation and under the current FAA-Approved Obstruction Management Plan existing obstructions must be removed as a prerequisite to restoring Instrument Flying Rule (IFR) nighttime approaches to Dunkirk Airport; and

WHEREAS, the Chautauqua County Legislature has previously approved the Dunkirk ACIP which includes capital projects for "Update Runway 06-24 Runway Avigation Easements and Land Acquisition for Runway Protection Areas (RPZ)" and "Update Runways 15-33 Avigation Easements and Land Acquisition for Runway Protection Area (RPZ)"; and

WHEREAS, the Airport Commission has reviewed and approved the DKK Runway 06-24 avigation easements project for FY 2019;

therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.---.---.878.0000	Fund Balance, Reserved Fund Balance – Reserve for Capital	\$30,000
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; and be it further

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2019 Capital Budget, and the County Executive is authorized to enter into all necessary agreements with the State and Federal governments to obtain the expected grant funds set forth below:

INCREASE APPROPRIATION ACCOUNT:

A.9950.----.9	Interfund Transfer – Transfer to Capital	\$30,000
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ESTABLISH AND INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.5610.25011.4	Contractual – Easement and Land Acquisition DKK	\$600,000
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ESTABLISH AND INCREASE CAPITAL REVENUE ACCOUNTS:

H.5610.25011.R503.1000	Interfund Transfer—Interfund Transfer	\$30,000
H.5610.25011.R359.7001	NYS Aid – Airport Capital Grants	\$30,000
H.5610.25001.R459.2000	Federal Aid – Airport Federal Capital Grants	\$540,000
	Total:	\$600,000

Signed: Hemmer, Nazzaro, Wilfong, Gould, Chagnon, Muldowney, Niebel (P.F.- Scudder voting “no”)

Adopted w/ Legislators Hemmer and Scudder voting “no” – December 19, 2018

RES. NO. 278-18

Supporting the Development of a Renewable Natural Gas Facility at the Chautauqua County Landfill

By Public Facilities and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the County owns and operates a landfill gas-to-energy electric generating facility at the County Landfill that has provided substantial net revenues to the County since 2010; and

WHEREAS, the current depressed market conditions for sale of electricity generated by landfill gas have caused a significant reduction in the revenues received by the County, and it is now more advantageous to directly sell the landfill gas for processing as renewable natural gas (RNG); and

WHEREAS, the County issued a request for proposals for the development of an RNG facility at the County Landfill that should allow the County to continue to retire the outstanding debt on the existing electric generating facility and receive additional net revenues; now therefore be it

RESOLVED, that the County Executive is requested to negotiate a lease and any other necessary agreements to enable the construction and operation of an RNG facility at the County Landfill, to include the following tentative terms and conditions:

1. Developer. Montauk Energy Holdings, LLC, or its designated affiliated entity, 680 Anderson Drive, Foster Plaza 10th Floor, Pittsburgh, PA 15220.
2. Term. Twenty (20) years from the commercial operation date of the RNG facility.
3. Premises. An approximately two (2) acre site at the County Landfill.
4. Payments to County.

Years one (1) through ten (10):

- a. Base payment of \$1,000,000 per year;
- b. Royalty payment of twelve percent (12%) of RNG sale revenues, including revenues from environmental credits and/or offsets, minus the reasonable and documented administrative costs associated with the monetizing of the available environmental credits and/or offsets.

Years eleven (11) through twenty (20):

Royalty payment of twenty percent (20%) of RNG sale revenues, including revenues from environmental credits and/or offsets, minus the reasonable and documented administrative costs associated with the monetizing of the available environmental credits and/or offsets.

5. Taxes. Developer responsible for all taxes, including real property taxes, associated with its use and ownership of the RNG facility.

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and be it further

RESOLVED, That pursuant to Section 3.02(h) of the Chautauqua County Charter, the final negotiated lease shall be subject to approval by the County Legislature.

Signed: Chagnon, Nazzaro, Muldowney, Niebel, Gould (P.F. Passed on w/o recommendation)

Unanimously Adopted – December 19, 2018

RES. NO. 279-18
Amend 2018 Budget Appropriations and Revenues – Emergency Services

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Emergency Services department expenses have exceeded initial budgetary estimates; and

WHEREAS, the Emergency Services has received revenues in excess of budget; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3989.CME.4	Contractual-Emergency Medical Service- CME-Continuing Medical Education	\$2,500
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INCREASE REVENUE ACCOUNT:

A.3989.CME.R158.9000	Miscellaneous--Other Public Safety Income	\$2,500
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 19, 2018

RES NO. 280-18
Amend Budget Appropriations and Revenues Associated with Vehicle Purchases by the District Attorney

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the capital vehicle budget for the District Attorney was based on purchase prices net of trade-in allowances; and

WHEREAS, there were no trade-in allowances when then new vehicles were purchased, and the old vehicles were sold at auction; now therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 operating and capital budgets:

INCREASE APPROPRIATION ACCOUNTS:

H.1997.999.4	Contractual—County Vehicle Replacement-Vehicle Replacement	\$27,168
A.1165.----.4	Contractual—District Attorney	<u>\$ 6,792</u>
	Total	\$33,960

INCREASE REVENUE ACCOUNT:

H.1997.999.R221.0VEH	Shared Services—Shared Services Vehicles	\$27,168
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ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.1165.----.R266.5000	Sale of Property/Compensa—Sale of Equipment	\$ 6,792
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 19, 2018

REGULAR SESSIONS

RES. NO. 281-18

Authorize Acceptance of the Crimes Against Revenue Program Grant ("CARP") Funds for 2019

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$80,400 from the New York State Department of Taxation and Finance pursuant to its Crimes Against Revenue Program for the period of January 1, 2019 to December 31, 2019; and

WHEREAS, such funds are to be utilized to develop and implement an effective enforcement strategy ("strategic plan") in collaboration with the State Department of Taxation and Finance (DTF) and other governmental agencies, as appropriate, in order to detect, investigate, prosecute and deter revenue crimes; and

WHEREAS, the revenues and expenditures associated with this grant are already included in the 2019 adopted budget so no budget amendments are necessary; therefore, be it

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to the Office of the District Attorney to detect, investigate, prosecute and deter revenue crime; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds.

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

Unanimously Adopted – December 19, 2018

RES. NO. 282-18

Authorize Acceptance of the 2019 Stop Violence Against Women (VAWA) Grant Program

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Offices of the District Attorney and Sheriff have been awarded a grant in the amount of \$66,750.00 from the New York State Division of Criminal Justice Services 2019 Stop Violence Against Women (VAWA) Grant Program to be used from the period of January 1, 2019 to December 31, 2019; and

WHEREAS, such funds are to be utilized for an Assistant District Attorney designated as a Special Victim's Prosecutor, a part time Deputy Sheriff and a Spanish Interpreter/Victim Advocate/Cultural Liaison; therefore be it hereby

RESOLVED, That the County Executive is hereby authorized and empowered to execute a grant agreement with the New York State Division of Criminal Justice Services (DCJS) to accept a Stop Violence Against Women (VAWA) grant; and be it further

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

INCREASE APPROPRIATION ACCOUNTS:

A.1165.----.1	Personal Services-District Attorney	\$10,000
A.1165.----.8	Employee Benefits-District Attorney	\$ 2,350
	Total	\$12,350

INCREASE REVENUE ACCOUNT:

A.1165.----.R438.9004	Federal Aid—Violence Against Women	\$12,350
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 283-18

Authorize Acceptance of the 2018-2023 Victim Assistance Through Attorney Services Program Grant

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the District Attorney's Office has applied for a grant in the amount of \$600,000 from the New York State Office of Victim Services pursuant to its VOCA Victim Assistance Program for a tentative period of five (5) years; and

WHEREAS, such funds are to be utilized to fill the gap in providing legal needs to crime victims by creating a partnership between the County's Victim Assistance Center and Legal Assistance of Western New York, Inc. (LawNY) that will provide the essential link for victims to receive the civil legal services they need; and

WHEREAS, the revenues and expenditures associated with this grant are not included in the 2019 Adopted Budget; therefore, be it

JOURNAL OF PROCEEDINGS

RESOLVED, That the County of Chautauqua accepts this State grant to provide additional resources to crime victims; and be it further

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the State of New York to obtain these funds and to execute necessary agreements with LawNY to implement the grant program; 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.1165.1169.4	Contractual—District Attorney-Crime Victims	\$120,000
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INCREASE REVENUE ACCOUNTS:

A.1165.1169.R308.9003	NYS Aid—Oth St Aid: Crime Victims	\$ 96,000
A.1165.1169.R408.9003	Federal Aid—Oth Fed Aid: Crime Victims	<u>\$ 24,000</u>
	Total	\$120,000

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

Unanimously Adopted – December 19, 2018

RES. NO. 284-18
Amend 2018 Budget for Office of the Sheriff

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, some Office of the Sheriff expenses have exceeded initial budgetary estimates, as well as some appropriations have a surplus; therefore be it

RESOLVED, That the Director of Finance is hereby authorized and directed to make the following changes to the 2018 budget:

INCREASE APPROPRIATION ACCOUNT:

A.3315.----.8	Employee Benefits – Stop DWI	\$11,945
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DECREASE APPROPRIATION ACCOUNT:

A.3020.TECH.1	Personal Services – Publ Safety Communication-Technical Services	\$11,945
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 285-18
Authorize Execution of Statewide Interoperability Communications Grant (SICG) Award FY18

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

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

WHEREAS, the State of New York will provide funding for a FY18 grant in the amount of \$639,301.00, with no local funds, for the performance period of January 1, 2019 through December 31, 2020; and

WHEREAS, this grant is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

REGULAR SESSIONS

RES. NO. 286-18

Authorize Agreement with Village of Silver Creek for Enhanced Police Protection Services FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek and the Town of Hanover have requested the Chautauqua County Office of the Sheriff provide enhanced police protection services within the geographical boundaries of the Village of Silver Creek and the Town of Hanover for the 2019 calendar year; and

WHEREAS, the Chautauqua County Office of the Sheriff has negotiated a tentative agreement with the Village of Silver Creek and the Town of Hanover for the period from January 1, 2019 through December 31, 2019 for an estimated cost not to exceed \$585,284; and

WHEREAS, this revenue and associated expenses are included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized to and empowered to execute an agreement with the Village of Silver Creek for enhanced police protection services as set forth above with revenue to be credited to account A.3110.----.R226.0000.

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

Unanimously Adopted – December 19, 2018

RES. NO. 287-18

Authorize Agreement with Town of Ripley for Enhanced Police Protection Services FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Ripley has requested the Chautauqua County Office of the Sheriff provide enhanced police services within the geographic boundaries of the Township during the 2019 calendar year; and

WHEREAS, the Chautauqua County Sheriff has negotiated a tentative agreement with the Town of Ripley for the period of January 1, 2019 through December 31, 2019 for an estimated cost not to exceed \$32,000.00 based on an hourly rate of at least \$40.38 and a holiday hourly rate of at least \$50.81; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is hereby authorized and empowered to execute an agreement with the Town of Ripley for enhanced police services as set forth above with revenues to be credited to account A.3110.----.R226.0000.

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

Unanimously Adopted – December 19, 2018

RES. NO. 288-18

Authorize Agreement with Chautauqua Lake Central School District to Provide Enhanced Police Protection Services FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua Lake Central School District has requested that the Chautauqua County Office of the Sheriff provide Deputy Sheriffs at sporting and social events at its schools; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with Chautauqua Lake Central School District for the period from January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$3,000.00, based on an hourly rate of at least \$40.38; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

RESOLVED, That the County Executive is authorized to execute an agreement with Chautauqua Lake Central School District for enhanced police protection services as set forth above with revenues to be credited to account A.3110.----.R226.0000.

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

Unanimously Adopted – December 19, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 289-18

Authorize Agreement with Town of Ellery for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Ellery has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Ellery for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$2,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

RES. NO. 290-18

Authorize Agreement with Town of Kiantone for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Kiantone has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Kiantone for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$6,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

RES. NO. 291-18

Authorize Agreement with Town of Mina for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Mina has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Mina for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$2,000.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

REGULAR SESSIONS

RES. NO. 292-18

Authorize Agreement with Town of North Harmony for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of North Harmony has requested that the Chautauqua County Office of the Sheriff provide court security officers on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of North Harmony for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$7,000.00 based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

RES. NO. 293-18

Authorize Agreement with Village of Silver Creek for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Village of Silver Creek has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Village of Silver Creek for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$3,500.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

RES. NO. 294-18

Authorize Agreement with Town of Stockton for Court Security Detail FY19

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Town of Stockton has requested that the Chautauqua County Office of the Sheriff provide part-time deputy sheriffs for court security detail on designated court nights; and

WHEREAS, the County Sheriff has negotiated a tentative agreement with the Town of Stockton for the period of January 1, 2019 through December 31, 2019, for an estimated cost not to exceed \$6,000.00, based on an hourly rate of at least \$30.10; and

WHEREAS, this revenue is included in the 2019 Budget so no budget amendments are needed; now therefore be it

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

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

Unanimously Adopted – December 19, 2018

JOURNAL OF PROCEEDINGS

RES. NO. 295-18
Amend 2018 Budget for Computer Purchases for Public Health and Jail Nurses

By Public Safety, Human Services, and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, 2018 expenditures for computer purchases for Jail nurses are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 expenditures for computer purchases for Public Health nurses are now projected to be in excess of the budgeted amount; and

WHEREAS, 2018 expenditures for medical supplies under the Family Planning grant are now projected to be lower than the grant budgeted amount; and

WHEREAS, the New York State Department of Health has approved a budget modification to the Family Planning grant to reallocate funds originally budgeted to medical supplies to equipment; and

WHEREAS, 2018 budgeted State Aid revenue will decrease due to the decrease in public health expenses; and

WHEREAS, 2018 Jail State Aid revenue is now projected to be in excess of the budgeted amount; and

WHEREAS, the 2018 Budget must be adjusted to facilitate purchase of the computers and reflect the above listed changes in revenue; now, therefore be it

RESOLVED, That A Fund Balance is appropriated as follows:

DECREASE THE USE OF FUND BALANCE:

A.-----917.0000	Unassigned Fund Balance—Unassigned Fund Balance	\$13,000
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; and be it further

RESOLVED, That the Director of Finance is authorized and directed to make the following changes to the 2018 Budget:

INCREASE APPROPRIATION ACCOUNTS:

A.4010.NURS.2	Equipment- Public Health Admin-Nursing	\$ 490
A.4017.JAIL.2	Equipment- Clinics-Jail	<u>\$18,610</u>
	Total	\$19,100

DECREASE APPROPRIATION ACCOUNT:

A.4010.NURS.4	Contractual- Public Health Admin-Nursing	\$19,100
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INCREASE REVENUE ACCOUNT:

A.4017 .JAIL.R340.1000	NYS Aid--Public Health Grant	\$20,000
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DECREASE REVENUE ACCOUNT:

A.4010.PHSA.R340.1000	NYS Aid--Public Health Grant	\$ 7,000
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Signed: Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Wilfong, O'Connell, Chagnon, Nazzaro, Muldowney, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 296-18
Authorize Agreement and Amend 2019 Budget for the Health Care Proxy Registry

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County Office for the Aging (OFA) and the Chautauqua County Health Network (CCHN) agree that the County, through its Office for the Aging and NY Connects program, is an appropriate entity to continue maintenance of the healthcare proxy registry; and

WHEREAS, revenues and appropriations associated with the agreements were not included in the 2019 Budget; now, therefore be it

RESOLVED, That the County Executive be and hereby is authorized and directed to execute necessary agreements with the Chautauqua County Health Network (CCHN); and be it further

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

INCREASE REVENUE ACCOUNT:

A.6772.----.R197.2000	Departmental Income – Chrgs: Office for Aging	\$5,920
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INCREASE APPROPRIATION ACCOUNTS:

A.6772.----.1	Personal Services – Office for the Aging	\$1,760
A.6772.----.4	Contractual – Office for the Aging	\$3,040
A.6772.----.8	Employee Benefits – Office for the Aging	\$1,120
	Total	\$5,920

Signed: Wilfong, O'Connell, Whitford, Chagnon, Nazzaro, Muldowney, Gould, Niebel

Unanimously Adopted – December 19, 2018

RES. NO. 297-18

Acceptance of New York State Municipal Restructuring Fund Grant

By Human Services and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County Government is committed to assisting and encouraging shared services and government restructuring efforts through its Regional Solutions Commission and Government Reduction Initiative; and

WHEREAS, a Municipal Consolidation and Efficiency Competition grant application put forth by Chautauqua County and 23 co-applicant local governments included the Chautauqua Region Water and Wastewater Cooperative Project; and

WHEREAS, the Chautauqua Region Water and Wastewater Cooperative Project was tentatively awarded \$1,203,144 in grant funding through the New York Department of State Municipal Restructuring Fund that will be released in phases; and

WHEREAS, Phase I funding in the amount of \$50,000 has been made available to be used to develop a project plan; and

WHEREAS, revenues and expenditures associated with the Phase I funding are not included in the 2019 budget; therefore be it

RESOLVED, That the County Executive is hereby authorized to enter into agreements with the New York Department of State for program funding for so long as the County continues to be eligible for program funds; and be it further

RESOLVED, That the County Executive is hereby authorized to execute any additional documentation, amendments, or addenda necessary to effectuate the County's receipt of such funds; and be it further

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

ESTABLISH AND INCREASE REVENUE ACCOUNT:

A.4090.R348.9WWC	NYS Aid—Water & Wastewater Cooperative Project	\$50,000
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INCREASE APPROPRIATION ACCOUNT:

A.4090.----.4	Contractual—Environmental Health	\$50,000
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Signed: Wilfong, O'Connell, Whitford, Chagnon, Nazzaro, Muldowney, Gould, Niebel

Unanimously Adopted – December 19, 2018

RES. NO. 298-18

Authorize Use of Occupancy Tax Monies for Chautauqua County to Retain Professional Services to Advocate for Federal Projects and Funding

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua County's Lakes and Waterways have been threatened by numerous factors at various times including, but not limited to, decreased water quality, point source pollution, introduction of non-native species, excessive erosion, sedimentation, flooding and drainage issues, and the decreased ability to launch and navigate watercraft within harbors and waterways; and

WHEREAS, pursuant to Resolution 178-11, the Chautauqua County Legislature authorized the establishment of the Lake Erie Management Commission (LEMC) to prioritize and select Lake Erie watershed projects for funding that conform to the recommendations outlined in the Lake Erie Management Plan, seek additional funding for Lake Erie watershed projects, and undertake such other initiatives and coordination activities for the betterment of the Lake Erie watershed; and

WHEREAS, projects undertaken by the United States Army Corps of Engineers (USACE), such as the much needed maintenance dredging and rehabilitation of breakwaters at Chautauqua County's shallow draft recreational harbors in Barcelona, Dunkirk and Cattaraugus Creek, are of low priority when compared to large deep draft commercial harbors with significant shipping tonnage; and

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WHEREAS, federal funds, such as those appropriated under the Water Resources Development Act (WRDA), are initially prioritized by the USACE staff located in Buffalo, Cleveland and Washington D.C. for inclusion in the President's budget, which is then allocated by members of the United States Senate and House of Representatives during federal budget negotiations, and Chautauqua County, as a small rural county, is at a distinct disadvantage with respect to its ability to advocate for its fair share of federal funds; and

WHEREAS, pursuant to Resolutions 106-16, 266-16, and 282-17, Chautauqua County retained the professional services of NEXUS Government Relations (NEXUS), a consultant specializing in water resources, programming, federal projects, and obtaining federal funding during 2016, 2017, and 2018 at a cost not to exceed \$15,000 each year; and

WHEREAS, NEXUS's activities in 2016, 2017, and 2018 helped increase Federal funding for maintenance dredging in the draft recreational harbors in Barcelona and Dunkirk, authorized feasibility studies for flood mitigation in Silver Creek and Sunset Bay in the 2016 Water Resource Development Act (WRDA), and authorized a feasibility study for the Environmental Restoration of Chautauqua Lake which was included in the 2018 WRDA; and

WHEREAS, Chautauqua County desires to extend its agreement for professional services with NEXUS throughout the 2019 calendar year at a cost not to exceed \$15,000; and

WHEREAS, LEMC shall provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation and Chautauqua County shall provide the remaining two-thirds (\$10,000) of the cost from the 2% Occupancy Tax Reserve; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,882; therefore be it

RESOLVED, That the Chautauqua County Legislature hereby authorizes LEMC to represent Chautauqua County's interests in advocating for increased federal funding and projects and that LEMC will provide one-third (\$5,000) of the cost to retain NEXUS from LEMC's annual 2% allocation; and be it further

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to provide the remaining two-thirds (\$10,000) of the cost to retain NEXUS; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Waterway	\$10,000
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;and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration	\$10,000
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Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 299-18

Establish Chautauqua County Sewer Agency Pursuant to Article 5-A of the County Law

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolution No. 104-15, the Chautauqua County Legislature established a Chautauqua County Sewer Agency pursuant to Article 5-A of the County Law to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the expansion of the South and Center Chautauqua Lake Sewer Districts (SCCLSD), and the Sewer Agency completed its evaluations and recommendations in 2017 for the pending first extension of the SCCLSD; and

WHEREAS, the Hamlet of Findley Lake and the Town of Mina are important economic and cultural assets in Chautauqua County; and

WHEREAS, the New York State Department of Environmental Conservation and the United States Environmental Protection Agency issued the 2008 Total Maximum Daily Load (TMDL) for phosphorus in Findley Lake, which attributed the large number of failing and inadequate septic systems that surround the lake as the primary cause of excessive concentrations of phosphorus in the lake; and

WHEREAS, the TMDL recommends a management strategy for septic systems where "the formation of a sanitary sewer district and the discharge of wastewater outside of the watershed is essential to achieving the (phosphorus) load reductions"; and

WHEREAS, pursuant to Resolution No. 163-18, the Chautauqua County Legislature authorized \$9,000 from the 2018 2% Occupancy Tax allocation for the Chautauqua County Sewer Agency to fund the expanded scope for the Comprehensive Evaluation of the

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Village of Sherman Wastewater Collection System and Wastewater Treatment Plant to determine the feasibility of accepting wastewater flows from the Town of Mina; and

WHEREAS, the Village of Sherman contracted with Barton & Loguidice, P.C., who developed a Preliminary Engineering Report for a Regional Wastewater Treatment Plant Alternative in November 2018; and

WHEREAS, the Preliminary Engineering Report recommends upgrades to publically-owned treatment works (POTWs) in the Village of Sherman and the extension/development of sewer infrastructure to replace existing septic systems in the Town of Mina and the Town of Sherman; and

WHEREAS, the next step in the process towards implementing the project is to reactivate the Chautauqua County Sewer Agency which will be tasked with making recommendations to the County Legislature regarding the formation of districts and other pertinent issues; and

WHEREAS, Article 5-A of New York State County Law authorizes the County to create a County Sewer Agency to evaluate sewer infrastructure needs, prepare maps and plans, and recommend to the County Legislature the creation or expansion of County sewer district(s) as may be necessary and in the best interest of the people of Chautauqua County; therefore be it

RESOLVED, That the Chautauqua County Sewer Agency is hereby reactivated pursuant to Article 5-A of the County Law; and be it further

RESOLVED, That the reactivated Chautauqua County Sewer Agency shall consist of seven (7) members to serve without compensation, as follows:

1. Two (2) County Legislators appointed by the Chairman of the County Legislature;
2. Three (3) elected officials representing the municipalities proposed to be included in areas that will be upgraded with sewer infrastructure, to include the Supervisors of the Town of Sherman and Town of Mina and the Mayor of the Village of Sherman, and their successors in office; and
3. Two (2) members appointed by the County Executive.

; and be it further

RESOLVED, That it is the intent of the Chautauqua County Legislature to review the makeup of the membership of the Chautauqua County Sewer Agency as later phases of the County's future sewer projects are developed.

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 300-18

Amend Capital Budget for New York State Department of Environmental Conservation Water Quality Improvement Project Grants

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, pursuant to Resolutions 46-15 and 47-15, the Chautauqua County Department of Planning and Development ("CCDPD") was awarded a grant from the New York State Department of Environmental Conservation's ("NYSDEC") Water Quality Improvement Program ("WQIP") – Round 11 for environmental restoration projects ("Projects") intended to reduce the deposition of sediment and nutrients into Chautauqua Lake through the stabilization of streambanks on Dewittville Creek and Steinhoff Run; and

WHEREAS, CCDPD was awarded \$132,750 for the Projects through the WQIP grant with a requirement for \$87,500 local funding participation to finance the remaining portion, as shown in the table below:

NYSDEC Water Quality Improvement Program Grant				
Streambank Name	Total Project Cost	NYSDEC-WQIP Funding Received	Commitment of Local Matching Funds	Other Sources of Local Match
Dewittville Creek	\$107,100	\$62,100	\$0	\$45,000
Steinhoff Run	\$113,150	\$70,650	\$0	\$42,500
Totals	\$220,250	\$132,750	\$0	\$87,500

and;

WHEREAS, the local funding match for the Projects includes previously expended funding from the 2% Occupancy Tax in the amount of \$80,000, and in-kind services of the Watershed Coordinator in the amount of \$7,500; and

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WHEREAS, pursuant to Resolution 77-15, Chautauqua County determined that the Goose Creek and Dewittville Creek Streambank Stabilization Projects will not have a significant adverse environmental impact in accordance with New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law, and pursuant to the implementing regulations found at 6 N.Y.C.R.R. Part 617, and accordingly, issued a negative declaration; and

WHEREAS, the Watershed Coordinator will provide administrative oversight, including requests for reimbursement of eligible expenses through the NYSDEC's WQIP program, the Chautauqua County Soil & Water Conservation District will manage the Project, and the Chautauqua Watershed Conservancy will provide public outreach and education for the Project; now therefore be it

RESOLVED, That the Director of Finance is authorized and directed to make the following amendments to the 2018 Budget:

INCREASE CAPITAL APPROPRIATION ACCOUNT:

H.8020.37979.4 Contractual — Water Quality Improv Proj (2016) \$132,750

INCREASE CAPITAL REVENUE ACCOUNT:

H.8020.37979.R395.9WQI NYS Aid—Water Quality Improvement Program Grant \$132,750

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 301-18

Authorize Use of 2% Occupancy Tax Monies to Retain Professional Services to Assist with Developing a Chautauqua Lake Weed Management Consensus Strategy

By Planning & Economic Development and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, Chautauqua County's Lake and Waterways are invaluable assets for Chautauqua County that enhance the environment and quality of life, provide recreational and tourism opportunities, and spur economic development; and

WHEREAS, the health and usability of Chautauqua Lake has been threatened by numerous factors including, but not limited to, proliferation of non-native aquatic plant species, nuisance levels of native vegetation and Hazardous Algal Blooms ("HABs"); and

WHEREAS, the Town of Ellery prepared a Supplemental Environmental Impact Statement ("SEIS") as required by the New York State Environmental Quality Review Act ("SEQR"), obtained a New York State Department of Environmental Conservation permit for the application of herbicides, and successfully applied herbicides in certain areas of Chautauqua Lake in July 2018; and

WHEREAS, the Towns of Ellicott, Busti and North Harmony accepted the Town of Ellery SEIS, obtained New York State Department of Environmental Conservation permits for the application of herbicides, and successfully applied herbicides in certain areas of Chautauqua Lake in July 2018; and

WHEREAS, the Chautauqua Institution initiated an Article 78 Proceeding in July 2018 against the Town of Ellery and the New York State Department of Environmental Conservation which seeks to invalidate the continued use of the SEIS for evaluating new permits for applications of herbicides in Chautauqua Lake; and

WHEREAS, the Chautauqua Lake municipalities and stakeholder groups are unable to fully agree upon a comprehensive strategy to manage aquatic vegetation in Chautauqua Lake; and

WHEREAS, Chautauqua County seeks to bring the Chautauqua Lake municipalities and stakeholder groups together to agree upon a Weed Management Consensus Strategy for 2019 and beyond; and

WHEREAS, Chautauqua County solicited a proposal from Ecology and Environment Engineering and Geology, P.C., to review existing information and prepare an outline of potential strategies for building a Weed Management Consensus Strategy at a cost not to exceed \$9,970; and

WHEREAS, the fund balance in the 2% Occupancy Tax Lakes and Waterways Reserve Fund is approximately \$204,882; therefore be it

RESOLVED, That the County Legislature hereby authorizes the use of the 2% Occupancy Tax Reserve to retain Ecology and Environment Engineering and Geology, P.C. for the aforementioned purposes; and be it further

RESOLVED, That the County Executive is hereby authorized to establish accounts and enter into any and all contracts necessary to implement the terms of this resolution; and be it further

RESOLVED, That A Fund Balance be appropriated as follows:

INCREASE THE USE OF FUND BALANCE:

A.-----889.WATR Fund Bal, Rsvd Fund Bal-MISC RES: Lakes & Watway \$9,970

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; and be it further

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

INCREASE APPROPRIATION ACCOUNT:

A.8020.WTRS.4 Contractual—Planning—Watershed Administration \$9,970

Signed: Odell, Chagnon, O'Connell, Starks, Nazzaro, Muldowney, Niebel, Gould

Unanimously Adopted – December 19, 2018

RES. NO. 302-18

Authorizing County Participation in Statewide Clean Lakes Collaboration

By Planning & Economic Development Committee:
At the Request of County Executive George M. Borrello and Legislator Pierre Chagnon:

WHEREAS, a "Clean Lakes Collaboration" is being formed on a statewide basis to address mounting threats to New York State's most vital natural asset – fresh water lakes and their surrounding watersheds; and

WHEREAS, New York State's fresh water lakes and watersheds, including those located in Chautauqua County, provide drinking water, recreation, tourism, fishing, flood control, and community health, as well as essential habitat for plant and animal life; and

WHEREAS, growing scientific documentation presents incontrovertible evidence of ongoing threats and impacts to the State's fresh water lakes and watersheds; and

WHEREAS, the declines in water quality are evidenced by the escalating number and frequency of fresh water lakes—including public drinking water supplies—experiencing Harmful Algal Blooms (HABs) with substantial economic, environmental, public health, and community costs; and

WHEREAS, the value of accelerating coordinated understanding of effective programs for reducing water quality declines can ensure their growing application on a statewide basis; and,

WHEREAS, across many sectors and regions of New York State, there is growing interest in and support for active statewide collaboration; now therefore be it

RESOLVED, That the Chautauqua County Legislature supports and authorizes the County Executive to execute on behalf of Chautauqua County a collective memorandum of understanding (MOU) with other regions of New York State to establish a statewide Clean Lakes Collaboration (CLC), that may include the following purposes:

1. Advocating for protection and restoration of lakes and their watersheds;
2. Identifying and seeking effective solutions to problems threatening water quality by a coordinated exchange of information and initiatives among the CLC participants;
3. Utilizing the best available science, technology, and analytics applicable to the waters represented in the CLC; and
4. Promoting the establishment of watershed protection districts in New York State to enhance access to State funds and resources dedicated to solving water quality problems.

Signed: Odell, Chagnon, O'Connell, Starks

Unanimously Adopted – December 19, 2018

RES. NO. 303-18

Setting Salary for Emergency Medical Technician

By Public Safety and Audit & Control Committees:
At the Request of County Executive George M. Borrello:

WHEREAS, the Director of Emergency Services has requested that salary be set for the new title of Emergency Medical Technician that will be assigned to staff the County's Fly Car program; and

WHEREAS, this new title will be assigned to positions that will perform primary emergency medical care and to persons who have suffered physical trauma from injury or illness at the scene and during transport in an ambulance to a hospital for more comprehensive and intensive treatment; and

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WHEREAS, the Human Resources Department has classified the job as Emergency Medical Technician and supports the request that the salary be set at Grade 4; now therefore be it

RESOLVED, That the title of Emergency Medical Technician be added to the Chautauqua County CSEA Unit 6300 Salary Plan at salary grade 4 of the CSEA 6300 salary schedule:

2018 CSEA Unit 6300 Salary Schedule

Emergency Medical Technician Grade 6 (\$15.10 - \$19.26 per hour) (\$31,408.00 - \$40,060.80 per year)

Signed: Scudder, Davis, Muldowney, Starks, Niebel, Vanstrom, Bankoski, Pavlock, Whitford, Chagnon, Nazzaro, Gould

Unanimously Adopted – R/C Vote: 18 Yes; 1 Absent - December 19, 2018

RES. NO. 304-18
Compensation for County Coroners

By Administrative Services, Human Services, and Audit & Control Committees:
At the Request of County Executive George M. Borrello and Legislative Chairman Paul M. Wendel:

WHEREAS, the Chautauqua County Legislature has the responsibility to fix compensation of all officers paid from County funds; and

WHEREAS, resolution 20-15 changed coroner compensation from \$70 to \$80 per day, resolution 100-18 changed coroner compensation to \$150 per case for the period April 15, 2018 to June 27, 2018, and resolution 156-18 continued coroner compensation at \$150 per case; and

WHEREAS, Local Law 11-18 amended the Chautauqua County Charter to transfer the responsibility for administration of the County's Coroners program from the Legislative Branch to the Executive Branch; and

WHEREAS, Chautauqua County Administrative Code Section 5.00A Department of Health and Human Services was also amended to include Section 5.08A Division of Coroners which provides that coroner compensation may be by salary, by hourly, per diem, or per case rate, or by any other method approved by the County Legislature; and

WHEREAS, the Department of Health and Human Services recommends adjusting the method of compensation for Chautauqua County Coroners to reflect appropriate compensation for death investigation, administration, and educational duties and requirements consistent with operational changes and statutory requirements and responsibilities of the County and individual Coroners; therefore be it

RESOLVED, That the compensation for each County Coroner shall be set on the Management Salary Plan at the Non-Scheduled Salary Range of \$5,000 to \$15,000 annually plus \$150 per coroner case, effective January 1, 2019.

Signed: Scudder, Davis, Muldowney, Starks, Wilfong, O'Connell, Rankin, Whitford, Chagnon, Nazzaro (A.C. Gould, Niebel voting "no")

Adopted – R/C Vote: 14 Yes; 4 No; 1 Absent (No's: Gould, Himelein, Niebel, Scudder) - December 19, 2018

LOCAL LAW
INTRODUCTORY 10-18
CHAUTAUQUA COUNTY

A LOCAL LAW AMENDING THE CHAUTAUQUA COUNTY CODE OF ETHICS

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

SECTION I. Local Law 3-18 of the County of Chautauqua, entitled "A Local Law Amending the Chautauqua County Code of Ethics, is hereby amended by substitution to state as follows:

Section 1. Short Title

This code of ethics shall be known as the "Chautauqua County Code of Ethics."

Section 2. Legislative Purpose.

The purpose of this Code is to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence. Ethical conduct ultimately depends on the personal integrity of County officers and employees and on the vigilance of their communities. The establishment of the standards and guidelines set forth in this code is a step toward providing the highest caliber of public administration for County government and increased confidence in its officials, while recognizing that public service cannot require a complete divesting of all proprietary interests nor impose overly burdensome disclosure requirements if County government is to attract and hold competent administrators.

REGULAR SESSIONS

By requiring public disclosure of interests that may influence or be perceived to influence the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people.

The disclosure requirements of this Code of Ethics are in addition to any other requirements imposed by law. Additional disclosure to the public is available pursuant to the New York State Freedom of Information Law and Election Law requirements. Copies of all contracts with the County are also available for public inspection at the Office of the Clerk of the County Legislature.

Section 3. Definitions

When used in this Code and unless otherwise expressly stated:

1. "Agency" means any office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, or committee of the County.
2. "Appear" and "Appear before" mean communicating in whatever form, whether personally or through another person.
3. "County officer or employee" means any officer or employee of the County, whether paid or unpaid, including Public officials and all other members of any Agency of the County, but does not include a judge, justice, officer, or employee of the Unified Court System.
4. "Dependent" means an individual who will be claimed by the County officer or employee as a dependent on the current year's State or Federal tax return.
5. "Family member" means a spouse, child, step-child, parent, step-parent, sibling, step-sibling, half-sibling, Dependent, and household member of a County officer or employee.
6. "Person" means an individual, corporation, partnership, unincorporated association, and all other entities.
7. "Related person" means a spouse, fiancé(e), parent, child, or sibling, including step and half relations, a grandparent, parent-in-law, sibling-in-law, Dependent, member of the County officer or employee's household, first cousin, aunt, uncle, niece, or nephew.
8. "Public official" means any official who has discretionary authority, either alone or as a member of an Agency, but does not include a judge, justice, officer, or employee of the Unified Court System.

Section 4. Conflicts of Interest of County Officers and Employees

1. No County officer or employee shall directly or indirectly do or take any act prescribed below, or agree to do such acts, or attempt such acts, or induce another Person to do such acts:
 - a. act or Appear as agent, broker, employee, consultant, or representative for any third party in connection with any transaction that involves discretionary acts of any County officer or employee or act or Appear in any matter in which the County is a party or a complainant except on behalf of the County or himself or herself.
 - b. solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75.00) or more per year from any Person, other than a Family member, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, who the County officer or employee knows is considering or has had any transactions with the county that involves any discretionary act by the County officer or employee.
 - c. take or refrain from taking any action on any matter before the County in order to obtain a pecuniary or material benefit different from that to be derived by the general public for:
 - (i) himself or herself;
 - (ii) a Family member;
 - (iii) any partnership or unincorporated association of which the County officer or employee is a member or employee or in which he or she has a proprietary interest;
 - (iv) any corporation of which the County officer or employee is an officer or director or of which he or she legally or beneficially owns or controls more than five percent (5%) of the outstanding stock;
 - (v) any Person with whom the County officer or employee or his or her Family member has an employment, professional, business, or financial relationship, provided, however, that relationships which are available to and entered into by the general public on the same terms and conditions as those applicable to the County officer or employee, such as relationships in the nature of bank accounts, credit cards, bank loans, and mortgages, shall not be deemed to be financial relationships for purposes of this section; or
 - (vi) any Person from whom the County officer or employee or his or her spouse has received a pecuniary or material benefit having an aggregate value greater than two thousand dollars (\$2,000.00) per calendar year.

Examples of material or pecuniary benefits include, but are not limited to, hiring, promoting, authorizing a pay increase, providing a performance review, a job assignment or job description change, work schedule change, approving a voucher or expense claim, awarding a contract, extension of time to perform a contract, a contract dollar amount increase, and

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purchasing goods. Nothing in this section shall be construed as prohibiting a County officer or employee from performing a purely ministerial act.

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

- d. solicit directly or indirectly any non-elected officer or employee of the County or any entity that is not subject to competitive bidding, to participate in an election campaign, or pay any assessment, subscription, or contribution to a political party, political party organization or election campaign. This paragraph shall not prohibit a general solicitation of a class of persons, other than those expressly prohibited, of which such solicited officer or employee happens to be a member.
- e. except where authorized by law, disclose any confidential information acquired in the course of official duties or use any such information for personal gain or to advance the financial interests of any other Person.
- f. after termination of his or her term of office or employment with the County, Appear before the County or receive compensation for any services rendered on behalf of any Person other than the County in relation to any particular matter upon which he or she took any discretionary act during his or her term of office or employment with the County.
- g. no paid County officer or employee shall for two years after the termination of employment Appear before his or her former County department or receive compensation for any services (except on behalf of the County or himself or herself) in relation to any matter of the type over which he or she had discretionary authority during his or her term of office or employment with the County, whether or not he or she exercised such authority.

This subsection shall not apply to any elected official, member, or employee of a federal, state, or local government or one of their agencies or instrumentalities, or to any action by a licensed attorney that is permitted by the New York State Rules of Professional Conduct.

- h. act or Appear as an attorney in: (1) any litigation in which the County is a party or complainant that involves torts, civil rights, contracts, or eminent domain, except on behalf of the County or himself or herself; or (2) any other matter in which the County is a party or complainant that would constitute a violation of the New York State Rules of Professional Conduct.

2. No partnership, unincorporated association, corporation or any other entity owned or controlled by a County officer or employee shall Appear before any County department or Agency which employs such County officer or employee except on behalf of the County or itself.

3. Nothing in this Local Law shall be construed to prohibit a County officer or employee or any other Person from receiving a County service or benefit or using a County facility which is generally available to residents or to a class of residents in the County.

4. Nothing in this Local Law shall be construed to prohibit a County officer or employee from performing any ministerial act.

5. Nothing in this Local Law shall be construed to prohibit an unpaid member of a County Agency from acting or appearing for a third party regarding a matter unrelated to the business of their County Agency, nor prohibit a County officer or employee who is an elected Public official of another governmental entity from acting or appearing in their official capacity on behalf of such other governmental entity.

6. Nothing in this Local Law shall be construed to prohibit an unpaid member of an advisory County board, bureau, council, committee, or commission from acting or appearing for a third party regarding a contract with the County when such member has no power or duty to:

- a. negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder;
- b. audit bills or claims under the contract; or
- c. appoint an officer or employee who has any of the powers or duties set forth above.

7. Nothing in this Local Law shall be construed to prohibit a County officer or employee from serving in an unpaid capacity as an officer or director of a non-profit or governmental entity, when such service is in furtherance of the official duties of the County officer or employee.

Section 5. Interests in Contracts Pursuant to General Municipal Law

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

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

Section 6. Use of County Resources

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

Section 7. Procurement Integrity

1. While procuring property or services of more than fifty thousand dollars (\$50,000.00) in value, no County officer or employee shall solicit, discuss, or accept, directly or indirectly, any promise of future employment or business opportunity from any contractor competing for such procurement.

2. While competing for award of a County procurement of property or services of more than fifty thousand dollars (\$50,000.00) in value, no contractor shall discuss or make, directly or indirectly, any offer or promise of future employment or business opportunity to any official of the County involved in such procurement.

Section 8. Annual Disclosure

1. All Public officials who are elected or paid shall file with the Ethics Board, by depositing with the Office of the County Executive, a signed annual disclosure statement utilizing the 2018 disclosure statement form filed with the Clerk of the County Legislature.

a. within thirty (30) days of taking office; and

b. no later than April 30 of each year thereafter.

Within thirty (30) days of any material change in the information contained in his or her most recently filed statement, the Public official shall file a signed amendment to the statement indicating the change. The Ethics Board shall have free and unlimited access to all forms at all times.

2. If a Public official who is elected or paid is not able, after reasonable efforts, to obtain some or all of the information required by paragraph two of this section which relates to his or her spouse or household member, he or she shall so state, as part of the annual disclosure statement.

3. The Ethics Board shall review all disclosure statements. Upon being satisfied as to the content and completeness of a statement, the Ethics Board shall return the statement to the Office of the County Executive, which will in turn file the original statement with the County Clerk and an electronic copy with the Clerk of the Legislature. All such statements are public records and shall be kept on file for at least seven (7) years.

Section 9. Lists of Public Officials; Notice of Filing Requirements; Verification of Filing; Training and Distribution of Code

1. The following Public officials are subject to disclosure requirements:

Administrative Assistant
 Assistant Construction & Maintenance Supervisor
 Assistant County Attorney
 Assistant Deputy Director of Public Facilities (Buildings & Grounds)
 Assistant District Attorney
 Assistant Public Defender
 Assistant Social Services Attorney
 Assistant to Commissioner of Social Services
 Associate Public Health Engineer
 Board of Health Members
 Budget Director
 Chautauqua County Land Bank Corporation Board Members
 Chautauqua Tobacco Asset Securitization Corporation Members
 Chief Information Officer
 Child Psychiatrist
 Clerk of the Legislature
 Commissioner of Elections
 Commissioner of Health Services
 Commissioner of Social Services
 Construction & Maintenance Supervisor
 Coroner
 Corrections Lieutenant
 County Attorney
 County Clerk
 County Executive
 County Fire Coordinator
 County Historian
 Deputy Clerk of the Legislature
 Deputy Commissioner of Social Services
 Deputy County Clerk
 Deputy County Executive
 Deputy County Executive for Economic Development
 Deputy Director of Central Services (Office Services)
 Deputy Director of Central Services (Purchasing)
 Deputy Director of Finance
 Deputy Director of Planning
 Deputy Director of Planning and Economic Development
 Deputy Director of Public Facilities (Engineering)

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

Special Assistant for Medicaid
 Special Projects Coordinator
 Supervising Clinical Psychologist
 Undersheriff
 Warden

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

2. Before May 15th of each year, the County Executive shall verify that every affected Public official has filed his or her annual disclosure statement.

3. Failure of the County Executive or the elected officer to comply with this section shall not relieve any Public official who is elected or paid from his or her duty to file an annual disclosure statement pursuant to this Code of Ethics.

4. All officials and employees subject to the requirements of the Chautauqua County Code of Ethics are required to undergo annual Ethics Board training to inform and educate them as to the requirements of this Code. The training will include either a paper copy of the Code or information about where the Code can be found online. Training will be administered as follows:

- a. The County Department of Human Resources will provide a paper copy of the training materials to new employees as part of the new employee orientation process, and will secure written confirmation of receipt.
- b. The County Department of Human Resources will administer annual training for all existing County employees between January 1st and March 31st. Supervisors must ensure that each employee under his/her purview signs off on a form confirming review of the training.
- c. For County boards and commissions, the appointing authorities or their designees will provide a copy of the training materials to each board member upon first appointing such board member, and will secure written or electronic confirmation of receipt.
- d. For County boards and commissions, the appointing authorities or their designees will administer annual training for all existing board members between January 1st and March 31st. Appointing authorities or their designees must ensure that each board member under their purview acknowledges receipt of the training materials, either electronically or by signing off on a form confirming receipt of the training materials.
- e. The Director of the Department of Human Resources will notify the County Ethics Board when all employees have completed their annual training, and appointing authorities or their designees will notify the County Ethics Board when all board members have acknowledged receipt of the annual training materials.

Section 10. Reporting Violations.

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

Section 11. Inducement of Violations

Any Person, whether or not a County officer or employee, who intentionally induces any County officer or employee to take any action or to refrain from taking any action in violation of any provision of this Code, violates this Code.

Section 12. Civil and Administrative Penalties

1. Any County officer or employee who engages in any action that violates any provision of this Code may be warned or reprimanded or suspended or removed from office or employment or be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or Person or body authorized by law to impose such sanctions.

2. Any County officer or employee who violates any provisions of this Code may be subject to a civil fine of up to ten thousand dollars (\$10,000) for each violation, as may be determined by the Ethics Board. A civil fine may be imposed in addition to any other penalty contained in any other provisions of law or in this Code.

3. Any County officer or employee who violates any provision of this Code shall be liable in damages to the County for any losses or increased costs incurred by the County as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this Code.

Section 13. County Ethics Board

1. Establishment. The County Legislature hereby establishes an Ethics Board consisting of five (5) members. The Ethics Board shall be responsible for ensuring full compliance with the Code of Ethics. All actions of the Ethics Board shall be by a vote of at least three (3) members. Members of the Ethics Board shall serve without compensation.

2. Appointment. Members of the Ethics Board shall be appointed by the County Executive and confirmed by a two-thirds vote of the County Legislature. No Ethics Board members shall hold office in a political party, be employed as a lobbyist, be an immediate relative of a County officer or employee, or have any financial interest in any contracts or other transactions involving the County.

3. Term. The members of the Ethics Board shall serve three-year staggered terms, with three terms expiring in odd years and two terms expiring in even years. If a vacancy occurs on the Ethics Board, the new member shall be appointed to fill the unexpired portion of the term. Members of the Ethics Board may be removed for cause by the County Executive with the concurrence of two-thirds of the County

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Legislature. Grounds for removal shall be neglect of duty, misconduct in office, inability to discharge the powers or duties of the office, or violation of the Code of Ethics. Prior to removal, the Ethics Board member shall be given written notice of the reasons for removal and an opportunity to reply.

4. Powers and Duties. The Ethics Board shall have the following powers and duties:

- a. Prescribe and promulgate rules and regulations governing its internal organization and procedures consistent with the Code of Ethics;
- b. Review with Public officials the disclosure requirements of this Code, and ensure proper filing of all disclosure statements;
- c. Conduct investigations, hearings, and other examinations relating to the Code of Ethics, with the power to issue subpoenas where necessary;
- d. Recommend and impose sanctions, penalties, or fines in accordance with the Code of Ethics;
- e. Render advisory opinions upon request of any County officer or employee;
- f. Recommend content for training and education of County officers and employees regarding the requirements of the Code of Ethics;
- g. Prepare an annual report and recommend changes or improvements to the Code of Ethics;
- h. Perform such other related duties as requested by the County Executive;
- i. Meet at least four times a year, and send notice of meetings and the names of Ethics Board members to the County's official newspapers and to radio stations in the County. In addition, notice of meetings and the names of Ethics Board members shall be posted on the County's website; and
- j. Arrange for a separate post office box for the Ethics Board, accessible only by officers of the Ethics Board.

Section 14. Separability.

If any clause, sentence, paragraph, or section of this Code of Ethics is adjudged by any court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, and the unaffected portions of this Code of Ethics shall remain in full force and effect.

SECTION II. This Local Law shall become effective upon filing with the Secretary of State.

Emailed: 12/7/18

Adopted by Legislature: 12/19/18

Public Hearing by County Executive: 1/10/19

Adopted as Local Law 1-19

R/C Vote: 18 Yes; 1 Absent

Date State Filed: 1/15/19

MEMORIAL:

LULA M. TAYLOR
Read By
Legislator David Wilfong

2nd Privilege of the Floor

Thank you Mr. Chairman, George Borrello, Town of Hanover and County Executive. I just wanted to take this opportunity to really congratulate everyone in the County. The CFA awards were announced yesterday and the County was awarded nearly \$6 million dollars in the CFA awards. In addition to that, of the 16 priority projects throughout all of Western New York, four of them are here in Chautauqua County and all four of those were funded. We just received word previously about two major projects for another \$6 million dollars so this year is a record amount of projects funded at about \$12 million dollars. Through the efforts of a lot of people across this County, working together on regional solutions that are helping our County grow. I just wanted to thank this Legislature for their support. Thanks for the support of the people of Chautauqua County and congratulations on another fantastic year in the CFA awards. So thank you all. (Applause)

Dan Heitzenrater, County Executive's office here in Mayville. I just wanted to call your attention to a few things on your desk tonight. First; you have a water sip cup and inside of that, a very generous \$5.00 gift certificate to Central Station Restaurant in Dunkirk. Those are from the Employee Recognition Committee. We've been going around with the County Executive yesterday, today, and tomorrow is the last day to hit all 25 County office locations to extend holiday wishes to County employees. Recognize them for milestone years of service and provide that nice little gift. So as County employees yourselves, we appreciate your support and wanted to make sure everyone received one of those.

Then second; as one of the three Chautauqua County representatives on the Jamestown Community College Board of Trustees, I wanted to speak to the Workforce Readiness Scholarship pamphlet that everyone has. On behalf of President DeMarte who planned to be here tonight but something came up, so we wanted to make sure that you saw these and I know that the Board as a whole is really excited about this program. As the College looks at new ways to innovate and be innovative themselves, to create new programs, to serve the community and especially following the feedback from the business community earlier this spring with the County Executive's initiatives to try

and answer their needs. So this Workforce Readiness Scholarship is through the Jamestown Community College Foundation and if you check those details out, something that I think really makes this unique compared to other scholarships is that you'll see the Workforce Readiness Scholarship covers in-state tuition, fees, books, and program supplies which many times these more technical and trade based programs have supplies components as well. So, we're working hard to try and help those students whereas most scholarships just cover tuition. So, *(inaudible)* a lot of things, trying to inspire a lot of good change there and wanted to make sure that you were kept aware as things move. Thank you.

Chairman Wendel: I just want to add too that we had a meeting last night but I'm very impressed. I think that we have found our diamond in the ruff with President DeMarte. He comes in with a lot of vision and a lot of enthusiasm in looking to move JCC forward. So what we've seen in the past of JCC as a leader in our community education, I think that we're going to see even greater things in the near future from JCC. So, thank you very much Dan, but again, I'm very pleased to see what Jamestown Community College has done and what they continue to do. Thank you.

My name is Mark Twitchell. I'm from Fredonia and I would like to thank the Chairman and the members of the Legislature and I would like to read a brief petition that several of your constituents have signed. This petition is addressed to Senator Kevin Parker, who, as you know, is the Chairman of the New York State Senate Energy Committee and it starts out as;

Dear Honorable Senator Parker, As Chair of the Senate Energy Committee you may be familiar with the challenges our citizens and our municipalities, statewide, have faced in hosting industrial wind energy facilities. Many difficulties are due to New York State's Clean Energy Standard's lack of corresponding legislative measures. As a mandate the Clean Energy Standard was developed largely with the help of lobbyists whose industries may not represent the interest of all citizens or their environment. Although there is a mandate for the use of renewable energy there is no verification. No verification of the objective of the mandate, which is to lower the use of fossil fuels in the generation and transmission of electricity. The Clean Energy Standard was also approved by legislative action without corresponding protective legislation. Those citizens in the direct path of renewable energy installations do not have adequate and necessary State prescribed protections of their health, safety, and welfare. All New York State residents have concerns related to their support of the mandate through their taxes and electricity payments. Also, all New Yorkers deserve to know that their support of renewable energy provides measurable outcomes.

Senator Parker, we are saying that New York State's Clean Energy Standard does not contain necessary language specific and adequate to the accountability of the wind and solar industries for our continued unquestioned support in both dollars and public trust. Because renewable energy industries are not required to show that their integration with the power grid results in quantitative reductions in carbon dioxide emissions, consumers are unable to make informed decisions. This lack of verification also unfairly inhibits consideration of other low carbon generating technologies. It is imperative that we act in possession of the most accurate information possible. We summarize our concerns as follows:

1. There is no verification for the claims of renewable energy companies
2. There is inadequate protection from renewable energy's impacts on people and their health and their environment.
3. As a mandate the Clean Energy Standard is undemocratic and violates free market principals.

Senator Parker, for the above reasons, we the undersigned, petition you as Chairperson of the New York State Senate Energy Committee to conduct a hearing which will lead to amendment of the language of the Clean Energy Standard to include verification such that all stakeholders understand how much CO2 is removed from our power grid as a result of each renewable energy projects. We also request adoption of language specific to adequate protection for the health, safety and welfare of citizens and their environment directly impacted by development of renewable energy.

As your New York State constituents Senator Park, we anticipate your Energy Committee's provision of this important public service. Signed; Mark Twitchell, Michelle Twitchell, Joni Riggle, Earl Riggle, Karen Engstrom, Tina Graziano, Angelo Graziano, and Judy Phillips.

The importance of this petition which will be shared with other municipalities and other wind opposition groups throughout New York State, is, that it actually asks for two issues and they both relate to this body. The first issue that we're addressing is the issue of protection. You've all been gracious enough to hear our accounts of the disruption that the wind industry has prevailed upon our townships and we brought that to your door. If New York State would prescribe measures such as County oversight of projects or let's talk about issues of noise and so forth, that would be very helpful both to the citizens and their municipalities. The other request in this petition is that we're seeking verification and this, this is for all of your constituents. Not every constituent that you represent lives in an impacted zone. But, all of your constituents have a right to know whether they are actually getting the kind of support that they are paying for. They need support to know that the reduction for the threat of climate change are actually being achieved. And, for those citizens, why would they not want to know. Why would they not want measurable outcomes and CO2 reductions. Thank you very much.

Hi, Joni Riggle, Sinclairville. Thank you for this opportunity. The NYISO, the New York Grid Operators White Paper warned the PSC and Governor Cuomo that the CES requiring 50% renewables by 2030 is unrealistic and not achievable due in part to huge transmission constraints, that the plan needs to be tabled and re-evaluated. Instead of taking heed, Kauffman, NYSERDA's and Cuomo's energy' czar, gave NYISO a scathing rebuke. We now have Senator Kevin Parker, Chair of New York State Energy Committee who intends to direct state agencies to establish a plan to transition to 100 percent renewable energy in every sector of the economy and eliminate all human-caused emission by 2050. I guess we all need to stop exhaling and burping. Currently, solar wind and biomass combined, comprise just less than 5% of New York's energy mix.

When the wind industry boasts emissions displaced by the wind energy, the figures are based on the project generating 24/7, 354 days a year, at full nameplate capacity and with an inflated 36% capacity factor. Since this scenario is impossible – never happens, their results are grossly inaccurate and deceptive. NYISO states the effective capacity, what actually can be use, is a mere 10%. Important to note, the continuous spinning reserve and ramping of natural gas to meet load and demand is never factored into the purported emissions that are displaced.

NYISO's wind integration report states that deploying more wind will require more gas backup and ramping events which emits more CO2, not less. The Ontario Society of Professional Engineers report that adding more wind and solar will double the CO2 emissions as nuclear gets phased out. Why don't our policy makers listen to these energy experts? I believe this is due to the huge undue influence by the wind industry and lobby groups like ACE NY.

JOURNAL OF PROCEEDINGS

When you consider the fossil fuel used to manufacture turbines, transport them across the ocean and land and construct these wind projects they incur a huge carbon debt. Is it ever paid back? Cement manufacturing alone is the 2nd largest industrial source of CO2 emissions. Each turbine based and they are growing larger all the time, require about 90 tons of cement. Each ton of cement release 1.5-2 lbs. of mercury. Per the EPA standards, cement kilns in the U.S. emit almost 23,000 pounds of mercury each year. This is not factored into their estimates either.

Instead of continuing to build unreliable, inefficient, land grabbing solar and wind projects, our tax dollar would be better spent developing highly efficient geothermal and fusion energy. R&D for viable renewables.

For all these reasons we would ask that you support our petition. We deserve unbiased and accurate measurements of avoided emissions and energy policies that do more good than harm. The Arkwright Wind project and it's suffering residents have given us a glimpse of what is in store for much of upstate New York. Future generations will shake their heads and ask why. Thank you.

Chairman Wendel: Anyone else to speak to the 2nd privilege of the floor? Seeing no one, we'll close the 2nd privilege of the floor.

MOVED by Legislator Gould, SECOND by Legislator Bankoski and duly carried the meeting was adjourned. (7:52 p.m.)

CERTIFICATION ACKNOWLEDGEMENT

I, Katherine K. Tampio, being Clerk of the Chautauqua County Legislature, 2018, do hereby certify that we have caused to be compared the foregoing proceedings of the Chautauqua County Legislature with original papers on file in my office and that they are in true and exact copy of the same.

**THE 2018 CHAUTAUQUA COUNTY BUDGET CAN BE VIEWED
IN THE LEGISLATURE'S CLERK OFFICE**

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1. Letters (11) – Co. Exec. Borrello – Appmts. To Various Boards
2. Letter – Farm Bureau - Apptmt. Recommendation to Soil & Water Bd.
3. Letter – Co. Exec. Borrello – Designation of Acting Co. Executive
4. Report – Fn. Director Crow – November/2017 Investment Report
5. Notice of SEQRA: Lead Agency Designation – Town of Ellery – Re: Chaut. Lake Herbicide Treatment
6. Resolution – Orange County Legislature – Exempt County Tuition Chargeback Obligations for the Fashion Institute of Technology
7. Letter – Senator Young – Re: Thanking for meeting minutes throughout 2017
8. Letter – NYSAC – Re: Ack. Receipt of Motion 8-17

February 28, 2018

1. Letter – County Exec. Borrello–Re: Apptmt. to Southern Tier RR Authority Bd.
2. Investment Report – Fn. Director Crow – December/2017
3. Letter - County Exec. Borrello – Promulgating Amendment to Admin. Code
4. Class of 2018 Inductees – Chautauqua Sports Hall of Fame
5. Resolution – Oswego County – Re: No PILOT's for Big Wind Projects
6. Letter – NYSAC – Re: Partnered with BoardDocs – Paperless Solution
7. Letter – NYS Depart. of State – Re: Ack. Receipt of Local Laws 1, 2, & 3-18

March 28, 2018

1. Letters (3) – County Exec. Borrello – Re: Apptmts. to Various Boards
2. Letter - Coroner Brigham's Resignation
3. T/Ellery Board – SEQR – Extension of Comment Period on Draft SEIS – Re: Chautauqua Lake Herbicide Treatment

April 25, 2018

1. Letter – County Exec. Borrello – Re: Amendmt. To Chaut. Co. Admn. Code
2. Reports (3) – Fn. Dir. Crow – 2018 Investment Reports – Jan.-Feb.-March
3. Motion – N. Chaut. Co. Water District – Extend Capital Prjt. Interim Funding
4. Res. – N. Chaut. Co. Water District – Re: Inter-Municipal Agrmt. Between NCCWD and Village of Brocton
5. Chaut. Co. Historian 2017 Annual Report
6. Chaut. Co. Soil & Water Conservation District 2017 Annual Report
7. Notice – Town of Ellery – Re: Completion of Final SEIS
8. Letter – Maple Springs Volunteer Fire Co., Inc. – Re: Fly Car Program
9. Letters (2) – Orrick Bond Council – Re: Ack. Receipt of Documents for Bonds
10. Letter – NYS Dept. of State – Re: Ack. Receipt of LL 4-18
11. Testimony – Pet Industry Joint Advisory Council – Re: LL Intro. 4-18

May 23, 2018

1. Letter – County Executive – Re: Apptmt. to Youth Board
2. Quarterly Report – Small Business Development Center – 1/1-3/31/18
3. Letter – NYS Dept. of State – Ack. Receipt of LL's 5, 6, 7, and 8-18
4. Letter – Assemblyman Goodell – Ack. Receipt of Motion 4-18

June 27, 2018

1. Letter – Coroner Warren Riles – Retiring Effective 6/27/18
2. Letter – Coroner Lawrence Wilcox – Resignation Effective 6/27/18
3. Letter – County Executive – Re: Re-Appt. to JCC Bd. Of Trustees
4. Letter – County Executive – Re: Appt. to IDA Board of Directors
5. Email - Clerk Tampio – Re: Constituent Opposing the Herbicide Use in Chautauqua Lake
6. Letter – A. Nixon, Ex. Dir. CCVB – Re: Funding Application, Budget & Marketing Plan for 2019
7. Letter – NYS Office of Comptroller – Re: Order Regarding Extension to SCLSD – Hamlet of Stow
8. Letter – NYS Dept. of State – Re: Availability of \$100M Funding Through (TAP), Transportation Alternatives Program
9. Letters (2) – NYS Dept. of State – Re: Ack. Receipt of LL's 9-18 & 10-18
10. Reports – Fn. Director Crow – Investments – April/May 2018
11. 2019 Capital Budget & 2020-2024 Capital Plan

July 25, 2018

1. Letters (3) – County Executive Borrello – Apptmts. To Various Board
2. Letter – County Executive Borrello – Amendment to the Chaut. County Administrative Code
3. Acknowledgement – Legislature Clerk Tampio – Re: Receipt of Financial Disclosures for 2018
4. Letter – City of Dunkirk – Re: Requesting Donation for Great Lakes Off Shore Grand Prix
5. Letter – City of Dunkirk – Requesting Support for Funding for Great Lakes Off Shore Boat Race
6. NYS Dept. of Taxation & Finance – Re: 2018 State Equalization Rates

August 22, 2018

1. Letter – Co. Exec. – Apptmt. to Youth Board
2. Email – Deputy Clerk Foster from S. Cummings – Apptmt. to NCLSD
3. Letter – J. Park Resignation from Airport Commission
4. Letter – PPDSB – Re: New Apptmt. to PPDSB Board

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6. Reports (5) – NYS Dept. of Taxation and Finance – Re: Equalization Rates	
7. 2017 Annual Report – Depart. Of Health and Human Services	
8. Acknowledgement – NYS Dept. of State – Re: Ack. Receipt of LL 11-18	
September 26, 2018	
1. Proof of Publication – CDBG Public Hearing Notice	
2. Email – To: Clerk Tampio; From: Dept. of Public Service – Re: Public Statement Hearing to be held on 9/17/18 – Cassadaga Wind's Petition	
3. Letter – D.A. Swanson – Re: Order of Powers & Duties in the Event of Vacancy	
4. Letter – D.A. Swanson – Re: Goal Behind Funding Increase for 2019 Budget	
5. Letter – CHRIC – Re: Celebrating 40 th Anniversary	
6. Quarterly Report - SBDC(Small Business Development Center) 4/1/18 – 6/30/18	
7. Letter – Depart. of Public Service – Re: Cassadaga Wind Public Statement Hearing	
October 24, 2018	
1. Proof of Publication – Public Hearings – 2019 Tentative & Sewer District Assessment Rolls	
2. Letters (2) – County Executive – Appmts. To Airport Comm. & STERRA	
3. Investment Reports (3) – Fn. Director Crow – July/August/September-2018	
4. Letter – Planning Dir. McCord – Re: Leveraging Food System as a Catalyst or Economic Development	
5. Letter – T. Atwell, EMT – Re: Concerns & Ideas Regarding Fly Car System	
6. Letter – B. Catanese – Re: Concerns Regarding Fly Car System	
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2. Letter – R. McDonald – Resignation from Chautauqua Lake Sewer Board	
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