

Regular Meeting
Chautauqua County Legislature
**Meeting was Held Virtually due to Social Distancing Guidelines
And Live Streamed on Social Media**
Wednesday, September 23, 2020 6:30 p.m.
Mayville, N.Y. 14757

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

Clerk Tampio called the roll and announced a quorum present (Absent: Rankin)

Legislator Odell delivered the prayer and pledge of allegiance.

MOVED by Legislator Bankoski, SECONDED by Legislator Whitford and duly carried the minutes were approved. (08/26/2020)

1st Privilege of the Floor

Chairman Chagnon: Is there anyone here wishing to speak to the first privilege of the floor?

Were there any communications received for the first privilege of the floor?

Clerk Tampio: We have received no emailed communications from the public.

Chairman Chagnon: Thank you.

**VETO MESSAGES FROM COUNTY EXECUTIVE WENDEL
NO VETOES FROM 08/26/2020**

6:35 P.M.

PUBLIC HEARING

**REGARDING TERMININAL BUILDING OFFICE NO. 46 LEASE AGREEMENT AT
THE CHAUTAUQUA COUNTY JAMESTOWN AIRPORT**

Chairman Chagnon: I will call the public hearing to order. (6:35 p.m.) Is there anyone here to speak to this public hearing?

Mr. DeAngelo: There is nobody on the line.

Chairman Chagnon: O.k., anyone wishing to speak to this public hearing? Hearing no one and seeing no one, I will close the public hearing. (6:37 p.m.)

COMMENDATIONS:

Don McCord
By
County Executive Wendel and Legislator Mark Odell

Tom Narraway
By
County Executive Wendel and Legislator Terry Niebel

PRESENTATION:

2020 CashVest Award
By
THREE+ONE

PRESENTATION:

2021 CHAUTAUQUA COUNTY
TENTATIVE BUDGET
By
COUNTY EXECUTIVE PAUL M. WENDEL, JR.

County Executive Wendel: Good Evening Mr. Chairman, County Legislators, Department Heads, County Employees and Residents joining us via the live stream from home. Thank you for the opportunity to present the 2021 Tentative Chautauqua County Budget.

In 2019, we looked for bushels of pennies. And we found them, but in order to provide financial stability and adhere to our 5 year fiscal plan, in 2020 we needed to look for a Barrelof pennies. Now that we find ourselves in the COVID crisis, we have a new challenge. Our 2021 budget challenges are as follows – current events may have affected 2020 budget, but have affected the 2021 budget in the following ways:

- a \$4-\$8 million drop in the 2020 sales tax, a 10-20% decline
- a \$450,000 drop in our 2020 Occupancy Tax, a 28% decline
- an \$800,000 deferment of capital projects
- an increase in expenditures in order to protect our citizens and our employees

Because of these challenges, we made a significant amendment to the 2020 Adopted Budget. This amendment reduced expenditures by approximately \$4 million, in response to the projected decline in sales tax revenue. This amendment was possible because of the hard work of all department heads, who scoured their budgets looking for opportunities to save money. In addition to the budget amendment implemented in May, we reduced expenditures further through the voluntary furlough program. All county employees are to be commended for their willingness to either participate in this program or to take on extra work to keep things operating smoothly during the furlough period. Let's take a moment to recognize the hard work of our department heads, county employees, and especially my budget team.

(Applause)

So, we need the budget outside of the box. Our current situation also required a change in the way we thought about 2021. Every year, we talk about thinking outside the box. This year we needed to budget outside the box. Our situation reminded us of a legendary idea. “You see things: and you say “Why?” But I dream things that never were: and I say “Why not?”” I first heard this by John F. Kennedy, but was reminded by our Chairman that it was first coined by George Bernard Shaw in 1949. The quote that I later use and refer to often is, “some men see things as they are, and say why: I dream things that never were and say why not – Robert F. Kennedy in 1968.

This is very inspirational and you’re probably wondering how this applies. Well, what this meant for the 2021 budget are the following: We had to find new ways to deliver services, new ways to utilize our grants, new ways to earn revenue and also new ways to do more with less. In essence, we had to think of things that had never been and make it possible.

Next, we have our budget targets and goals. Our goals were to reduce the local share by 10%, compared with our 2020 adopted budget, to identify effect of local share reduction on services, to present a structurally balanced budget with no use of fund balance, maintain a general fund balance of 5-15% of revenues per our Fiscal Management Policy and to minimize the tax rate increase.

The “COVID” amendment to the 2020 budget reduced local share 6.3% in our A, D, and DM funds. The goal was to stretch that reduction to 10% from the adopted budget. There were several reasons we tried to achieve this reduction:

1. The 2020 budget included use of DM fund balance and transfers from the energy fund and landfill that might not be available in 2021.
2. We may need to use general fund balance in 2020. Our fund balance is low, so any use this year should be replenished.
3. Our current financial situation is fluid, and we are not certain what will happen with the economy. We had to plan for the worst, and make changes from that starting point.

We needed to be fluid, a term we know all too well during the COVID-19 Pandemic. We knew reaching this goal would present many challenges. While many departments were unable to achieve the goal, we found departments made every effort they could toward that end. Any further reductions would have resulted in cuts in public services. Furthermore, while we did not reduce local share as much as we projected, we maintained all current services. Let’s move on to our other goals – a structurally balanced budget. We consider a structurally balanced budget one that uses no general fund balance, and covers recurring expenses with recurring revenues.

For the third year in a row, the budget uses no undesignated general fund balance. The budget used \$292,700 from a designation of fund balance and \$10,000 from the 2% occupancy tax reserve. The designation was created last year after a gain on the sale of StarFlight helicopters; however, the designation is for the debt service expenses associated with the purchase of the helicopters.

Goal: General Fund Balance between 5-15% of Revenue. Maintaining our fund balance was a particularly challenging goal, given that we may need to use fund balance in 2020, and our fund balance is very close to the bottom of the recommended range. The 2021 Tentative budget

is balanced, and preserves fund balance, which remains at the minimum level called for in our Financial Management Policy.

Our policy suggests general unobligated fund balance between 5 & 15% of general fund gross revenue. Our projection indicates the fund balance at the end of 2021 will be slightly above the minimum percentage at 5.2%, but the fund balance as a percentage of revenue will decrease in 2022 through 2025, so looking ahead we will have our work cut out for us.

The next goal is to minimize the tax rate increase. New York State specifies what our tax levy can be, based on a variety of factors. The 2021 allowable Levy increase is \$1,221,034, compared with the \$2,317,810 allowed in 2020. The allowable increase for the 2020 levy carried over \$857,904 from prior years, which is not available to us this year. Further, the Levy growth factor, the lesser of inflation or 2%, for 2021 is 1.56%, vs. 2% allowed in 2020.

Due to a 4% increase in the county's property valuation and efforts made by our departments to reduce local share, the tentative 2021 property tax rate is \$8.41 per thousand. This is 5 cents below last year, but 12 cents above the tax rate needed to stay under the tax cap. Lowering the tax rate while remaining over the tax cap is a very unique situation; however, you can see that the proposed tax rate is significantly below \$10.11, the tax rate adjusted for inflation since 2011.

So, in summary a tax rate reduction of 5 cents, with a total levy increase of \$2,196,595 is proposed for 2021. And now for the numbers - revenues increased by 0.5%, driven by increases in interest earnings and departmental income from enhanced mental hygiene operations. New York State Aid declined due to changes in health and human services programs. Many of the reductions in revenue are accompanied by reductions in appropriations. The 2021 Tentative Budget for sales tax is equal to the 2020 Adopted Budget, which was \$42,066,707. Expenditures were held to an increase of 0.4%.

Personal Services increased 5% due to contractual changes. This is because for the 2021 budget all county bargaining units are under contract, whereas the 2020 budget was approved prior to settling our largest contract with CSEA 6300. Under the newest contract, all employees are now on high deductible health insurance plans which helped mitigate the increase in benefit expenditures.

You can see departments held the line on contractual costs and equipment; those costs decreased 2% and 43%, respectively. Our Medicaid weekly contribution decreased at the end of June, and is expected to remain below the level budgeted in 2020.

You'll also see our staffing is at minimum levels necessary to maintain public services. New funded positions include 5 positions in the Public Defender's Office, 5 for mental hygiene which are grant funded, and 11 positions associated with transitioning CARTS bus drivers from substitutes to full time employees.

As I noted previously, for the first time in several years contracts are in place for all bargaining units. Therefore, the tentative budget includes all wages and benefits.

So, the accomplishments of our 2021 budget:

- No reduction in services
- A Return to normal road maintenance schedule
- Addition of fourth Fly Car
- Addition of a Safety Coordinator
- Conservative sales tax budget
- Conservative occupancy tax budget and \$11 million investment in capital projects and heavy equipment

We were able to accomplish this tentative budget without a reduction in services our county residents rely on, including a return to a normal road maintenance schedule for 2021. We also added a fourth fly car to the emergency services budget to enhance services, response time, and generate revenue opportunities. This will only be implemented if we can secure contracts to ensure the revenue will come in as projected. We also are adding a County Safety Coordinator, a position long requested by our Labor Relations Council. This position will develop safety plans and conduct safety trainings and investigations to help prevent future accidents. Not only will this generate savings in future claims, but most importantly ensure the safety of our employees and visitors.

The 2021 Tentative Budget keeps the sales tax budget flat compared with the 2020 Adopted Budget. This represents an increase of \$432,091 over 2019 actual results.

The 2021 Tentative Budget keeps occupancy tax at the 2020 Amended Budget, approximately 30% below the 2020 Adopted Budget.

Capital projects include investments in road machinery, brownfield remediation, jail equipment, and improvements to the JCC campus, to name a few.

So, what are the challenges ahead?

- Returning our sales tax and occupancy tax revenue to the pre-COVID levels.
- Leveraging grants to enhance our services without creating long-term dependence on grant funding
- Navigating the changing directives and/or funding from NYS
- Continuing to deliver the same services as efficiently as possible

The challenges are many, but I am confident the 2021 Tentative Budget provides a plan for continued success in Chautauqua County. In summary, I leave you with this and it's something I've said throughout the COVID-19 crisis: My goal is to make our 2021 comeback greater than our 2020 setback. Thank you.

(Applause)

Chairman Chagnon: Thank you, County Executive Wendel. The County Legislature is looking forward to our opportunity to review the budget and then begin our budget hearings, which will start the first week in October. So, I'm sure all the legislators are delighted to have their budget books in their hands now and I expect that there will be lots of good reading going on over the next couple of days.

Clerk Tampio: The Legislature Office is in receipt of the four communications listed on the agenda this evening. In addition, I had one submitted myself from our office on September 22nd it's an acknowledgment of receipt of financial disclosure statements from 2020. Are there are any communications you would like to be read aloud? If you'd like to see a copy of any of these please let our office know.

COMMUNICATIONS:

- 1. Proof of Publication - The Post-Journal & The Observer – Re: Public Hearing - Lease Agreement at Jamestown Airport**

2. **Minutes – Conewango Watershed Commission – Meeting Minutes**
 3. **Report – Fn. Director Crow – Investment Report – June 2020**
 4. **Reports (2) – Bonadio & Chairman Odell., LLP – Audit Reports for 2019**
 5. ***Letter – Office of the Legislature – Receipt of 2020 Financial Disclosure Statements***
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RESOLUTIONS:

RES. NO. 187-20 Authorize Acceptance of Indigent Legal Services Grant for the Period January 1, 2019 to December 31, 2021, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 188-20 Authorize Execution of New York State Office of Homeland Security FY20 State Law Enforcement Terrorism Prevention Program Grant, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 189-20 Authorize Acceptance and Use of Univera AED Grant Funding, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 190-20 Authorize Agreement with Chautauqua-Cattaraugus Erie II BOCES for Two School Resource Officers, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 191-20 Authorize Agreement with Silver Creek Central School District for School Resource Officer, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 192-20 Emergency Management Performance Grant - S (COVID-19) Fiscal Year 2020, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 193-20 Emergency Management Performance Grant for Fiscal Year 2020, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 194-20 State Homeland Security Program for Fiscal Year 2020, Public Safety and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 195-20 Amend Chautauqua County Health & Human Services 2020 Budget for Rollover of Univera Lead Screening Improvement Initiative Funding, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 196-20 Authorize Execution of Attestation for 2% 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, Human Services and Audit & Control Committees – UNANIMOUSLY ADOPTED

RES. NO. 197-20 Authorize Lease Agreement for Office Suite at the Chautauqua County Jamestown Airport Terminal Building, Audit & Control Committee – UNANIMOUSLY ADOPTED

RES. NO. 198-20 Designate Chautauqua County Legislature as Lead Agency Responsible for State Environmental Quality Review (SEQR) of State Funded Snowmobile Trails, Planning & Economic Development Committee

Legislator Nazzaro: Thank you, Mr. Chairman. I would like to make a motion to amend in the title to remove the word “Legislature” and in the last resolved to also removed the word “Legislature,” so it just reads “Chautauqua County.”

Chairman Chagnon: We have a motion to amend, do we have a second.

Legislator Gould: Yes. I would like to make that motion.

Chairman Chagnon: Thank you. Is there any discussion on the motion to amend resolution 198-20? Hearing none, all those in favor of the amendment please say aye. Opposed?

Unanimously Carried to Amend

Chairman Chagnon: Now, onto the resolution as amended- is there any discussion, questions or comments? All those in favor please say aye. Opposed?

RES. NO. 198-20 – UNANIMOUSLY ADOPTED

RES. NO. 199-20 Environmental Assessment (SEQRA) for Establishment of Chautauqua County Snowmobile Trail “S16A” in the Town of Cherry Creek, Planning & Economic Development Committee

Legislator Nazzaro: Again, in this resolution I would like to make a motion to amend in the first whereas- the third sentence- remove the word “Legislature,” so it’s just the County and then in first sentence of the resolved again remove the word “Legislature.”

Chairman Chagnon: O.k., we have a motion to amend.

Legislator Gould: I would like to second this amendment.

Chairman Chagnon: Thank you. We have a motion to amend resolution 199-20. Is there any discussion on the motion to amend? All those in favor of the amendment please say aye? Opposed?

Unanimously Carried to Amend

Chairman Chagnon: Now, onto the resolution as amended. Is there any discussion, questions, comments? All those in favor please say aye. Opposed?

RES. NO. 199-20 – UNANIMOUSLY ADOPTED

RES. NO. 200-20 Authorize Clerk of the Legislature to Publish Notices – Re: Public Hearings On 2021 Tentative Budget & Sewer District Assessment Rolls & Maximum Salary of Members of the Chautauqua County Legislature and its Chairman, Audit & Control Committee – UNANIMOUSLY ADOPTED

MOTION:

A. Proclaiming October 4-10, 2020 as 4-H Week in Chautauqua County

Chairman Chagnon: I would look for a motion to bring this to the floor this evening. Mr. Hemmer?

Legislator Hemmer: Thank you, Mr. Chairman. I would like to bring this motion proclaiming October 4-10, 2020 as 4-H Week in Chautauqua County.

Legislator Pavlock: I would like to second this motion, please.

Chairman Chagnon: Thank you. All in favor of bringing this motion to floor for consideration please say aye. Opposed?

Unanimously Carried

Chairman Chagnon: Now that this is on the floor are there any questions or comments? All those in favor please say aye. Opposed?

UNANIMOUSLY CARRIED

ANNOUNCEMENTS

Chairman Chagnon: That brings us to announcements on our agenda. I believe Legislator Ward has an announcement to make.

Legislator Ward: Thank you, Mr. Chairman. The Chautauqua County Hospitality Business Recognition Program was created to allow the public to nominate tourism or hospitality businesses in Chautauqua County whom they believe have done a great job of balancing their customer service and product delivery with customer and employee safety. The program was made possible through the collaboration of Chautauqua County, the County IDA, Chautauqua County Chamber of Commerce and the Chautauqua County Visitors Bureau. On behalf of that program, I'm honored to present the September certificates of recognition to businesses who have demonstrated exemplary care in protecting the public and their employees. The relative success that New York State and Chautauqua County has had so far in flattening this pandemic curve is largely due to the type of leadership shown by these businesses. So, I would like to

congratulate the Watermark Restaurant and the National Comedy Center. We will be presenting these two certificates to them in person and there is a press release from the County forthcoming.

Chairman Chagnon: Thank you and congratulations to those two businesses.

(Applause)

Legislator Odell: *(Inaudible)* it's an honor and a privilege to serve this body as the Chairman of the Planning and Economic Development Committee, which also comes with a seat on IDA Board. I've got some really great news to share on that front. The U.S. Economic Development Administration officially announced earlier this month that the County of Chautauqua Industrial Development Agency, the CCIDA as we always call it, was selected as the recipient of a \$10.5 million grant through the CARES Act, which will enable the agency to establish a new revolving loan fund to provide capital in the form of low interest loans to both businesses as well as non-profits as a means to respond to economic injury resulting from COVID. This really doubles the size of our lend-ability out of the IDA and also expands on it. We're going to have six sectors now that can be loaned through. The normal things that we do with IDA are manufacturing *(inaudible)* but also now, tourism, hospitality, retail, commercial, agri-business, small business, working capital, non-profits and one of special interest is state leveraged special projects. We're going to break it up through these sectors and also do it in the course of three rounds. The first round will be about 50% of the funds in October, and then in January and April of next year for the next two rounds. The IDA Board that I'm on officially accepted the funds yesterday at our board meeting, so I would recommend anyone talking to the constituents in any of these sectors please have them contact the IDA and the business development managers to get some applications in process. Thank you.

Chairman Chagnon: Thank you. Any other announcements?

Legislator Niebel: I just want to quickly comment on the 2021 budget. Like all of you, this is the first time that I'm hearing of it. Four months ago I thought we were looking at a significant increase in the tax rate, but thanks to the work of the County Executive, the Department Heads, especially Finance, the County employees, the 150 of them that took the voluntary furloughs, the Legislative sub-committee, Mr. Chairman, Legislator Nazzaro, and Legislator Jay Gould. We were able to cut the 2020 budget by over \$4 million. Look, on the face of it a five cent per thousand decrease in the tax rate looks like a remarkable budget. Nonetheless, the Legislature will take a closer look at it. Thank you.

Chairman Chagnon: Thank you. Other announcements?

County Executive Wendel: Thank you. I'd just like to inform all of the legislators that tomorrow morning we will be giving the electronic copy of tonight's budget presentation in an email.

Chairman Chagnon: Thank you. Other announcements?

Legislator Starks: It's been quite a while since I updated all of you on Fredonia and the Small Business Revolution that you all helped support months ago. They have finished filming. They will air the beginning of their series in November on Hulu. I just wanted to share that, so thank you for your support. They did wrap up and a lot of it was virtual. It will be a very different season than others that they've worked with. Thank you for all of your support and I hope you take the time to watch it.

Chairman Chagnon: Thank you. Any other announcements? O.k., it's my turn. I want to take this opportunity to recognize an individual that has made this possible for us. Bear in mind that this is a hybrid legislature meeting where we have participants in person and participants virtually via zoom, so my hat and great thanks goes off to our Director of Information Technology for the County, who told me that we are boldly going where no man has gone before. Jon, thank you very much.
(Applause)

PRIVILEGE OF THE FLOOR

Chairman Chagnon: Is there anyone from the public wishing to make a comment on any subject at this time?

Ms. Reynolds: Good evening. I'm Emily Reynolds with Cornell Cooperative Extension here in Chautauqua County and I reside in Sherman, New York. I want to thank you for your support of 4-H and your continuing support of the Cooperative Extension and I just want to invite you- we're celebrating national 4-H week with a chicken barbeque this year. Our fundraising has been a little skewed from what we've done in the past, so we are doing a drive-through chicken barbeque on Friday, October 9th. We'll be at Tractor Supply in Dunkirk and on Saturday, October 10th we'll be at Running's in Lakewood. You can catch us at either location and it's from 4 p.m. - 7 p.m. We do have presale tickets and I have those is anyone is interested. It's \$11 for presale and \$12 at the door. I did want to thank you for your support and just let you know that it's happening if you're around and interested in Chiavetta's chicken. Thank you.

Chairman Chagnon: Thank you. Anyone else wishing to speak to the second privilege of the floor? Have we received any electronic communications for the second privilege of the floor?

Clerk Tampio: No, we have not.

Chairman Chagnon: O.k., then I would recognize Legislator Gould if this is the appropriate time.

MOVED by Legislator Gould, SECONDED by Legislator Bankoski and duly carried the meeting was adjourned. (7:26 p.m.)

Respectfully submitted and transcribed,
Kathy K. Tampio, Clerk of the Legislature/ Olivia L. Ames, Deputy Clerk/Secretary to the Legislature